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Policy Options

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United Nations Sanctions: Policy Options for Canada

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125 Sussex Dr. Ottawa, Ontario K1A 0G2

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Attached you will find a policy option paper, the results of our co-operative project with the International Organizations Bureau of the Department of Foreign Affairs and International Trade. For those interested in sanctions, and other punitive measures in international affairs and for those following the UN Security Council, Barry Burcuil's paper is particularly useful.

David Malone former Director General of the IOB and currently the President of the International Peace Academy in New York, has asked that this paper be circulated to some missions as well as our normal circulation to the Minister's office and branches here at the department. We are pleased to do so.

The paper is also being published this month as part of our annual collection of policy option papers in Canadian Foreign Policy, published by the Norman Paterson School of International Affairs at Carleton University. Summaries and other information about other papers and policy development projects can be found at our website: www.cfp–pec.gc.ca

Sincerely,

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New York, November 1998

The genesis of this volume was two-fold:

Canadian Foreign Minister Lloyd Axworthy's forceful promotion of international action on human security focussed the attention of many of us toiling within the trenches of the Department of Foreign Affairs and International Trade (DFAIT) on a number of key humanitarian concerns;

Canada's candidacy for a UN Security Council seat in 1999-2000 created the prospect that the Canadian government would soon be confronting hard choices relating to incentives towards (and enforcement of) compliance with Security Council decisions. Since 1990, the Council had greatly increased resort to mandatory sanctions imposed under Chapter VII of the UN Charter. By the late 1990s, this Council practice was increasingly contested.

Canadian official policy on sanctions clearly required a new look. In late 1997, the International Organizations Bureau of DFAIT, of which I was then the Director General, commissioned an in-depth study on UNSC-mandated sanctions. The splendid paper contained in this volume was drafted over ensuing months by a highly promising young Canadian scholar, Barry Burciul. The Center for Foreign Policy Development, in July 1998, convened a consultation involving a variety of experts and interested parties on the issues raised therein, with a view to developing Canadian approaches to sanctions issues in preparation of our anticipated term on the Council. The purpose was to test the pulse of informed opinion in Canada on these critical questions and to develop policy options for the government. The CFPD and those DFAIT officials involved were delighted with both the paper and the consultation, which yielded considerably greater consensus than might have been anticipated. A summary report on these consultations is also included in this volume. Minister Axworthy was engaged throughout (although he had to miss the consultation due to an urgent engagement out of Ottawa at the last minute).

Beyond the value of this project itself, the active collaboration of a DFAIT Bureau with the CFPD to develop Canadian policy in a sensitive field points to at least one way in which the CFPD can be extremely useful. Too often in the past, civil society, the academic world, the CFPD and policy units within DFAIT have evolved in their respective solitudes. On this occasion, with an urgent need for new approaches to policy, the CFPD proved an excellent catalyst and intermediary for DFAIT in securing access to a broad range of Canadian (and several foreign) views. It is my hope that DFAIT and the CFPD will relate to each other in this fashion more often in the future.

David Malone

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Background Paper

United Nations Sanctions: Policy Options for Canada

by

Barry A. Burciul

May, 1998

United Nations Sanctions:

Policy Options for Canada

Table of Contents

	Page
I. Introduction	1
II. Lessons and Policy Recommendations	3
III. Factors Influencing the Effectiveness of Sanctions	9
1. The Advantages and Challenges of Multilateralism	9
2. Generic Objectives of Sanctions	12
a) Sanctions as punishment	
b) Diffuse deterrence and norm-strengthening	13
c) Deterring the target	14
d) Laying the groundwork for the use of force	15
e) Coercion: four 'modes of transmission'	
i) Rational Cost-Benefit Analysis	16
ii) Denial of Material Capacity	
iii) Attempts to Incite Regime Change	17
iv) Socialization through Normative Argument	
3. Issue area under dispute	18
a) Implications for multilateralism	
b) Implications for target response	19
4. Target characteristics, target-sender relations, type of sanctions	20
a) Targets vs. Senders: general observations	
b) Comprehensive economic sanctions	21
c) Targetted measures	25
i) Freezing assets	
ii) Travel bans	26
iii) Diplomatic sanctions	27
iv) Cultural and sporting sanctions	28
v) Arms embargoes	
5. Sanctions in context	29

a) Timing and effectiveness:
'comprehensivism' vs. 'incrementalism'
b) The limits of time, and the promise of time limits 30
c) Carrots, sticks, and carrot sticks 32
i) Sanctions and force
ii) Positive inducements and constructive engagement 33

IV. Collateral Damage 36

1. Humanitarian impact in target states
a) Humanitarian impact
b) Political implications for senders 38
c) Sanctions and the practice of humanitarian relief 39
d) The Security Council and the politics of humanitarianism 42
i) Framing and administration of exemptions
ii) Humanitarian assessment and review 44
iii) Obstacles to reform 46

2. Compensating third states: The problem of Article 50 47

V. Administering and Enforcing UN Sanctions 49

1. Strategic planning

2. Enhancing national-level capacity 51

3. Monitoring and enforcement

4. Coordination and communication 53

5. The politics of reform

I. Introduction

Since the end of the Cold War, UN-sponsored sanctions have become a prominent tool of multilateral statecraft. Increasingly, sanctions are viewed as legitimate means of responding not only to inter-state aggression, but also to intra-state humanitarian crises, civil wars, illegal seizures of power, arms proliferation, and international terrorism.

At the same time, there is growing concern that sanctions, as practiced in the past, have been both ineffective and inhumane. For the past three decades, states have tended to impose sanctions in a manner that has been distinctly lacking in nuance. The policies of sanctioning states - 'senders' in the sanctions literature - seem often to have been guided by one, overriding assumption: that sanctions are most likely to be effective to the extent that they inflict economic isolation and pain on the 'target.' Even when political considerations have resulted in the adoption of relatively weak measures, the 'brute force' philosophy of sanctions has been implicit in the debate as an ideal type.

Many scholars have long recognized that this theory of sanctions provides an insufficient account of the conditions under which sanctions bring about desirable policy change. To put it in stark terms, not only are comprehensive sanctions rarely effective; they are often both counterproductive in terms of effectiveness, and carry significant humanitarian consequences.

Recent experience, most notably in Iraq and Haiti, seems to have driven these lessons home. There now exists a broad-based consensus among UN member states that comprehensive sanctions are rarely the best way of achieving any diplomatic objective. The terms of the sanctions debate have apparently shifted from "when will comprehensive sanctions work?" to "how can sanctions be targetted to achieve their goals in a more effective and humane fashion?"

However, it bears noting that this limited approach to sanctions is not necessarily indicative of a newfound enlightenment: it is also consistent with the interests of some member states which - for various commercial and political reasons - wish to limit the scope of collective measures undertaken by the UN. Given these biases, it is vitally important that the debate concerning sanctions should be placed on a solid empirical and theoretical foundation.

Moreover, the uncertainty engendered by the shifting political terrain of the sanctions debate is compounded by other factors, such as the increased prominence of humanitarian NGOs, the globalization of finance, and the ubiquitous role played by computers and communications technology in the enforcement and evasion of sanctions. All of these factors present policymakers with new challenges and opportunities in the use of these measures.

This study locates the sanctions debate in the context of this new political and material terrain. More importantly, it does so in a way that provides policymakers with concrete suggestions for improving the effectiveness of sanctions and mitigating their humanitarian impact. It also provides a realistic appraisal of the limitations of sanctions, and the relative merits of other instruments of statecraft, including positive inducements, constructive engagement, and the threat and use of force. Finally, it demonstrates how Canada can use its

unique diplomatic resources to encourage efforts to reform the perception and practice of UN sanctions, even in a political climate that appears resistant to such innovations.

The study begins with a discussion of different sanctions strategies, and the conditions under which they are likely to be most effective for a variety of purposes. Since multilateralism is a key component of an effective sanctions strategy, we examine how changes in several variables affect the likely degree of multilateral support for sanctions strategies, as well as showing how these variables impact directly on the operational logic of sanctions. The variables examined are:

- Forum: are UN-imposed sanctions more effective than actions taken by other bodies?
- Objectives: are sanctions more effective in achieving some goals (e.g. deterrence) than others?
- Issue area: are sanctions more effective in resolving disputes related to certain issues than others?
- Characteristics of the target: what makes a target more or less vulnerable to sanctions?
- Characteristics of the senders: what attributes enable senders to exercise the greatest influence?

- Type of sanction: what types of sanctions tend to be most effective, and why?
- Timing and integration with other measures: should sanctions be imposed incrementally, or all at once? When should they be lifted? Under what conditions should they be reinforced - or replaced - by other diplomatic or military measures?

This section emphasizes the importance for policymakers of understanding precisely *who* their sanctions are intended to influence, and *how* this influence will work to bring about policy change.

The next section of the study examines the humanitarian implications of sanctions, and considers strategies aimed at mitigating their negative effects. It stresses the idea that collateral damage - damage to target civilians and to the interests of third states - is important not only because of its ethical implications, but also because of its tendency to erode multilateral support for sanctions. This investigation reveals that efforts to mitigate the humanitarian impact of sanctions are likely to increase the effectiveness of these measures, rather than weaken them.

This section then examines the role played by humanitarian aid organizations in the context of sanctions. It concludes by suggesting ways in which states, NGOs, UN officials, and others can work to better predict and address the needs of civilians living under sanctions. These suggestions are then considered in the light of political obstacles to sanctions reform, and judgements are made regarding the likelihood of their successful implementation.

The final part of the study reviews the administration and enforcement of UN sanctions, and makes suggestions for reform in several areas: strategic planning of sanctions policy, national-level capacity to implement sanctions, monitoring and enforcement procedures, and coordination and communication among senders and other relevant actors. Again, these suggestions are informed by a desire to give primacy to reforms that are politically feasible.

II. Lessons and Policy Recommendations

The recommendations presented in this study are guided by some rather pessimistic conclusions regarding the utility and morality of sanctions writ large, and of comprehensive economic sanctions in particular. These conclusions merit special emphasis at the outset. First, *sanctions rarely accomplish their stated purpose, but they often carry considerable costs in terms of human suffering*. Second, *sanctions will remain popular instruments of statecraft because they tend to be viewed as a relatively cheap and risk-free means of satisfying domestic demands for action in response to perceived misbehaviour abroad.* Third, *targetted sanctions - despite their problems - often represent the best means of satisfying the domestic political demands of senders while avoiding the humanitarian costs of comprehensive sanctions.*

As a member of the Security Council, Canada should give priority to three tasks: *discouraging the use of sanctions wherever more constructive and humane alternatives exist; developing the capacity of the international community to design and administer strong, targetted sanctions; and ensuring that the needs of innocent civilians in target states are given due consideration in the design and implementation of sanctions.*

The next few pages outline in more detail the main trends affecting the practice of sanctions in recent years, and the steps which should be taken in order to encourage the more appropriate, effective, and humane use of sanctions.

1. International trends affecting sanctions policy

• In the 1990s, the UN Security Council has been willing to consider a broader range of inter- and intra-state issues as threats to international peace and security. At the same time, there has been an unwillingness to commit the resources required to respond to these threats. As a result, sanctions have been used more frequently, often as a relatively inexpensive means of appeasing domestic audiences who are outraged by events abroad.

• The increased use of sanctions has been accompanied by increased skepticism regarding their effectiveness, and growing dissatisfaction with their humanitarian consequences.

• In general, states seem unwilling to act on the knowledge that the effective administration and enforcement of sanctions requires considerable expenditures of human and material resources.

• High levels of economic interdependence and the globalization of trade and capital have made it more important than ever to ensure that sanctions are imposed and enforced by a broad-based, multilateral coalition. However, these same factors have made it more lucrative for senders to defect from such a coalition. This poses obvious challenges for the effectiveness of sanctions.

• Interest in 'targetted' sanctions appears to have been driven by self-interested political and economic motives, as well as a genuine interest in crafting effective measures.

• It has become generally accepted that legitimate sanctions should have the approval of the UN Security Council. At the same time, recent dissensus among Council members, along with a desire to 'download' the administrative costs of sanctions, has resulted in a more prominent role for regional organizations. Some of these organizations lack the political will, the material resources, and the administrative competence to carry out sanctions in an effective manner.

• Many states resent what they regard as the misuse of the sanctions against Iraq. Dissatisfaction with indefinite time-frames, unclear mandates, and vague conditions for lifting sanctions has created a trend in favour of more explicit, tightly circumscribed sanctions resolutions. It has also created a prejudice against comprehensive economic sanctions.

• It appears as though large-scale efforts at sanctions reform will meet with little enthusiasm, particularly from the P-5, until the sanctions against Iraq have been lifted.

• While most states support *ad hoc* efforts aimed at making sanctions more effective, many of these same states view with suspicion any 'durable' measures aimed at enhancing the institutional capacity of the U.N. to implement sanctions.

2. Strategic lessons regarding the effective and appropriate use of sanctions

• Sanctions policy must be guided by a concern with identifying measures that are both effective and humane, rather than those which seem intuitively 'strong' and politically palatable.

• The most severe sanctions do not necessarily produce proportionately large political gains for senders. Humane sanctions - those which do not threaten the survival of a large number of people - are often more likely to be effective, given the dynamics which they engender within the target state, and given their ability to gain and sustain the broad multilateral support which is essential to the success of a sanctions regime.

• This lesson must be reinforced in the minds of Security Council members. The Council should be encouraged to resist the temptation to impose sanctions on the basis of a political 'highest common denominator' - the toughest sanctions acceptable to all members.

• Senders must closely examine the structure of the target state, its economy, and its society, and design measures with a clear understanding of *who* they are intended to influence, and *how* the sanctions will cause these actors to feel pressure to change their policies.

• In designing such measures, more attention should be paid to the potentially counterproductive effects of cultural bias, propaganda, and the demands of extremist factions within the target state.

• Travel bans, visa denials, and sporting and cultural sanctions have been undervalued as means of influencing target elites.

• Arms embargoes are often desirable, but they will remain largely ineffectual unless they are tightly enforced, and supplemented by efforts to reduce the global arms trade, particularly in regions which are prone to violent conflict.

• Sanctions are rarely effective as coercive instruments, but they may be more effective in deterring the target, and in deterring other potential wrong-doers from adopting similar objectionable policies. They can also be valuable in their capacity to strengthen international norms.

• The threat of sanctions is often more valuable than the practice of sanctions. Sanctions therefore have tremendous potential as an instrument of preventive diplomacy. However, this potential will remain unrealized unless threats of sanctions are widely viewed as credible, realistic, substantively painful, and likely to be effectively monitored and enforced.

• It is imperative to view sanctions within the context of a broader diplomatic demarche. This study points to the conditions under which the threat of force is a desirable accompaniment to a sanctions programme, and shows how sanctions can complement a strategy of constructive engagement.

• States should be willing to consider the idea that the threat or use of force is sometimes a more effective, humane, and cost-effective means of dealing with real or potential violent conflict.

• When designing sanctions, states must take account of the political difficulties of lifting sanctions which have not brought about the desired change in the behaviour of the target. If they do not do so, they may be tempted to leave ineffective, inhumane sanctions in place for an indefinite period.

3. Process-oriented reforms

This study supports the idea of a 'sanctions forum': a group of concerned small- and middle-powers which would explore options for sanctions reform and work to build support for the implementation of these reforms. The experience with the recent landmines treaty suggests that the effectiveness of such an initiative would be greatly enhanced by the active involvement of NGOs and other elements of civil society. The sanctions forum should concentrate on reforms in three areas: strategic planning, the assessment and management of humanitarian consequences, and the administration and enforcement of sanctions.

a) Strategic planning

• As a member of the Security Council, Canada may wish to encourage the use of time-limited sanctions. By imposing strong sanctions (such as trade embargoes) for a short period of time, senders could inflict substantial pain on the target without appearing arbitrarily vindictive, risking long-term damage to the target economy, or causing massive humanitarian suffering.

This would be particularly useful in circumventing the problems associated with creating a durable multilateral consensus around strong sanctions.

• It would also be useful to explore the idea of imposing an ongoing 'tax' (i.e., a temporary tarrif) on target states as a means of encouraging them to alter their behaviour while maintaining quasi-normal relations between senders and targets.

• In its deliberations concerning sanctions, the Security Council should give consideration to outside assessments of the likely effectiveness and humanitarian consequences of various strategies. As a Council member, Canada should ensure that these assessments are given due regard by the Council.

• Sanctions are more likely to be effective when they are actively supported by NGOs and other elements of civil society. Efforts should therefore be made to include these actors in consultations regarding the planning of sanctions policy.

• Middle-power states including Canada should create a permanent 'sanctions strategy unit.' This unit would gather information from a variety of sources - and for a variety of purposes - noted throughout this study. Its most obvious purpose would be to monitor potential crisis spots, formulate appropriate sanctions strategies, and relay this information to member states.

• Canada should promote the practice of 'lessons learned' exercises, modelled on the Copenhagen Conference on sanctions against the former Yugoslavia. These exercises should involve NGOs, as well as academics, UN officials, and representatives of member states.

• In the interest of promoting the effective use of financial sanctions, Canada should encourage efforts to improve the Council's access to reliable knowledge concerning financial transactions, and to enhance the technical, legal, and administrative competence of member states to exercise control over such transactions.

b) Humanitarian impact

• Canada should support discussions aimed at developing the idea of 'humanitarian limits' to sanctions. Such an exercise would seek consensus answers to questions such as: When does a humanitarian emergency exist? Who should address it? How should sanctions be modified to reflect the changing situation on the ground?

• Sanctions can have a significant impact on the activities of humanitarian organizations operating in the target. In turn, these organizations and their activities produce political effects which must be taken into account by member states during the design and execution phases of sanctions. Sometimes, the agendas of states and NGOs conflict; sometimes they have the potential to be mutually reinforcing. It is therefore crucial that states and NGOs engage in ongoing consultations from the earliest stages of a crisis.

• States must explore ways of protecting NGOs working in dangerous sanctions environments. Canada should draw on its expertise in the realm of peacekeeping to inform this exercise.

• Security Council resolutions must outline clear guidelines governing humanitarian exemptions to sanctions. The exemptions process would also benefit from the creation of a generic list of exemptions, the consistent application of these standards, transparent procedures involving open deliberations and the widespread dissemination of documents among the members of sanctions committees, decentralization of the authority to approve exemptions, and increased communication and coordination between the UN secretariat and member states.

• Assessments of the humanitarian impact of sanctions are vital to the planning of effective, broadly-supported sanctions regimes. In order to increase their value in this regard, analyses undertaken by OCHA (formerly UN-DHA) must be supplemented by holistic, long-term analysis from economists, political scientists, and area experts. The proposed sanctions strategy unit should assist in this task.

• Assessing the humanitarian impact of financial sanctions will require innovative methods and new personnel from outside the UN secretariat. Canada should encourage efforts to develop this capacity.

• The main problem concerning humanitarian assessment is not a lack of information; it is the lack of the political will required to set the assessment process in motion. Canada should use its seat on the Security Council to ensure that the Council receives such assessments as a matter of course.

c) Administration and enforcement

• The Council should be reminded that its resolutions imposing sanctions, while political in nature, must nevertheless be amenable to rapid and consistent implementation. These resolutions must clearly specify the conditions for lifting, easing, and reimposing sanctions, as well as indicating who is responsible for carrying out various duties associated with administration and enforcement.

• Imposing and enforcing assets freezes will require greater consultation with - and cooperation from - financial institutions.

• In order to assess the status of implementation, the UN secretariat must receive detailed reports from member states regarding their general sanctions procedures, and their ongoing efforts in specific cases.

• No resolution imposing sanctions should be adopted without clear commitments from member states of the resources necessary to administer and enforce those measures. Some states may require considerable economic assistance in order to carry out the tasks of administration and

enforcement. Failing to provide such assistance risks undermining the credibility of sanctions writ large.

• Enforcement efforts would be greatly assisted by the presence of sanctions assistance missions (SAMs) in states adjacent to the target, and a sanctions communications centre (SAMCOMM) coordinating the overall effort. However, these missions require states to commit large amounts of material and human resources.

• The regulations of sanctions committees should allow them to receive reports of sanctions violations from members of the secretariat, as well as from member states.

• When charging a regional organization with the task of implementing mandatory UN sanctions, the Security Council must ensure that the organization in question possesses the political will, the material resources, and the administrative competence to do so effectively.

III. Factors Influencing the Effectiveness of Sanctions

Sanctions - penalties threatened or imposed as a declared consequence of the target's failure to observe international standards or obligations[1] - are rarely effective in securing the type of policy behaviour that is their stated objective. Indeed, senders of sanctions often do not expect these measures to have coercive effects: sanctions are often chosen as the 'least bad' policy option, intended to satisfy a desire to punish wrong-doers, or simply to 'do something' in an emergent situation where the use of force is either inappropriate to the objective, or politically unfeasible.

Nonetheless, sanctions can have coercive effects under certain conditions, and they may also represent valuable means of deterrence, signalling, and norm-reinforcement. Furthermore, when combined with a broader initiative of threats and/or inducements, the *threat* of sanctions can be very effective - especially in a preventive (as opposed to an emergent) context. It is therefore important to understand the conditions under which sanctions may have desirable effects and, by the same token, the ways in which they may be counterproductive.

This section will consider a number of factors which impact on the effectiveness of sanctions, namely: the degree of cooperation among non-target states and other actors, the generic objective which the sanctions are intended to achieve, the issue area under dispute, the characteristics of the target, the attributes of the sending and non-participating states, and the type of sanctions imposed. Obviously, issues of administration, monitoring and enforcement are also vital to an understanding of effective sanctions. However, since they differ fundamentally from questions of context and theory, they will be addressed in subsequent sections of the study.

1. The Advantages and Challenges of Multilateralism

It is generally accepted that sanctions, in order to be effective, should have a broad foundation of international support. As the case of Cuba has demonstrated, not even a superpower can reliably coerce a small, poor, geographically proximate state without the cooperation and support of other key members of the international community. Multilateralism has gained increasing importance over the last few decades - and, in particular, over the last ten years - for several reasons. Paradoxically, many of these same factors have added new complexity to the already difficult tasks of creating and sustaining an effective, multilateral programme of sanctions.

First, economic interdependence - along with advances which have made transport and communication faster and cheaper - has made it much easier for targets of trade embargoes to find alternate export markets for their goods, and alternate suppliers of capital and import

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[1] Margaret P. Doxey, International Sanctions in Contemporary Perspective. 2nd edition. London: Macmillan, 1996. p.2.

commodities. However, these factors have also made it tempting for senders to defect from a sanctioning coalition, to cheat by engaging in illicit trade with the target, or to simply not support sanctions in the first place. This has increased the difficulty of achieving sustained cooperation behind robust economic sanctions, in particular. It has also, however, made some states reluctant to impose even 'weaker' types of censure, lest they offend the target and sustain damage to their bilateral commercial (or strategic) relationship.

As Margaret Doxey has noted, states may also be reluctant to support sanctions because they fear the loss of a crucial import commodity, or they may fear that other non-sending states will reap "durable windfall gains" by taking advantage of the commercial vacuum to engage in trade with the target - thereby securing lasting commercial advantages.[2] On a more sinister note, states may also fear that their participation in a sending coalition will make them a target of military, paramilitary, or terrorist activities by the target regime or other parties sympathetic to it.[3]

A second major factor with implications for the multilateral approach to sanctions has been the end of the Cold War and of the associated stasis in the UN Security Council. The fact that it is now more politically feasible to form a truly global sanctioning coalition has given rise to a widespread normative preference for UN Security Council-mandated sanctions (which impose an obligation on *all* states to comply with the sanctions) over sanctions imposed by other bodies (measures which may be voluntary, or may impose a duty which extends solely to the members of the organization in question). Given the variety of cultural, political, and economic perspectives and interests represented by the members of the Council, this presents obvious difficulties when strong sanctions are called for. Paradoxically, then, the demands of forging a broad-based consensus in the interests of effectiveness may actually call into being forces which make it impossible to craft a coherent programme of meaningful sanctions. In practice, this may convey a message of weakness to the target, further undermining the credibility and effectiveness of the measures that have been adopted.

Multilateralism has also been made difficult because of the perception among states that sanctions are ineffective, costly to senders, and in many cases, inhumane in their effects. The latter two issues will be treated separately in subsequent sections of this study. For the time being, it will suffice to note that, to the extent that concerns of effectiveness, costs, and

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[2] Ibid., p.67.

[3] In an admittedly novel twist on the idea that refugee flows constitute a threat to international peace and stability, Libya has threatened to respond to ongoing sanctions by expelling more than one million migrant workers into the neighbouring states of Sudan, Chad, Mali, and the Palestinian territories. John Stremlau, Sharpening International Sanctions: Towards a Stronger Role for the United Nations. *A Report to the Carnegie Commission on Preventing Deadly Conflict*. New York: Carnegie Corporation, 1996.

humanitarian impact are not addressed, it will become increasingly difficult to gain multilateral support for sanctions.

The advantages of Security Council sanctions are clear: they are universal and mandatory, and as such, they send out a strong message of condemnation, and they may increase the target's difficulty in finding alternate export markets and sources of goods and capital. However, the UN has increasingly been called upon to endorse sanctions imposed by regional organizations such as the OAS (Haiti) and ECOWAS (Sierra Leone.) Indeed, there are circumstances under which sanctions imposed by a regional organization may be preferable to UN mandated sanctions. First, if political wrangling makes it impossible to craft strong sanctions at the Security Council level, a unified regional organization may still see fit to impose stronger and potentially more effective measures. Second, if the target views the regional organization in question as a generally friendly forum, it may be more likely to cede to its wishes than to those expressed by the UN.

On the whole, however, sanctions adopted by regional organizations are less likely to prove effective. These organizations often lack the capabilities of monitoring and enforcement which are possessed (at least in theory) by the UN. Furthermore, in disputes involving human rights and civil disorder, neighbouring states sometimes have cultural sympathies which make them reluctant to censure their neighbours. Finally, these states are often the ones with the most to lose from an interruption of normal economic intercourse. As a result, they are unlikely to advocate strong sanctions except in cases where there is a clear threat to the peace, in which case the UN Security Council itself is most likely to act. Because of these factors, initiatives by regional organizations to impose and supervise sanctions should be viewed with a healthy dose of skepticism. Such endeavours should be monitored closely by the UN, to ensure that these organizations are placing concerns of international peace and security before their own, narrow interests.

To this point, our discussion of multilateralism has concentrated on cooperation between sending states. Indeed, sanctions tend to be regarded as a state-centric phenomenon: imposed by states, they are usually intended to influence state policy.[4] While this conception is, in a sense, true, it fails to capture the variety of actors and social forces which may be involved in the formulation and implementation of sanctions, and in their transmission into policy change. Non-state actors can play a particularly important role in enhancing the effectiveness of sanctions by broadening *and* deepening their multilateral character. 'Complex' or 'thick' multilateralism -

[4] Note that sanctions may be imposed on actors other than the *de jure* government of a state. In the Angolan civil conflict, sanctions were imposed on UNITA, one of the warring factions.

characterized by a broad-based (if approximate) confluence of opinion among state and non-state actors - can enhance the effectiveness of sanctions in several ways.[5]

First, states are - on balance - more likely to adopt and maintain strong sanctions to the extent that there is broad-based pressure from domestic and transnational interest groups, corporations, and other NGOs to do so. This phenomenon is particularly salient with regard to issue areas such as human rights and the environment, which may not fall under the traditional purview of 'national security,' but which are characterized by high levels of NGO and interest group activity.

By demonstrating that the target regime's behaviour meets with the disapproval of civil societal elements as well as the governments of sending states, complex multilateralism can enhance the credibility of the threat of sanctions, and reduce the likelihood of cheating and defections. It can also contribute to the normative and rhetorical force of the senders' position, by negating the idea that sanctions are solely an official, 'political' initiative. The cooperation of state and non-state actors may also be of value to dissenting elements in the target state and society, particularly if the involvement of non-state actors facilitates the dissemination of the senders' position through pre-existing social networks. Finally, by virtue of their activist character, NGOs are able (and likely) to maintain public pressure on a target regime in a way that states are less able to do.

Of course, it is not uncommon for the policies of states, corporations, interest groups, and other NGOs to diverge. Such divergence may impair the credibility of threatened or imposed sanctions, and make it less likely that states will support effective measures. It is also possible for the policies of an NGO to interfere directly with those of the senders. For example, if sending states attempt to increase pressure on the target regime by preventing vital goods from reaching the civilian population in the hope of inciting a revolt, the characteristic activities of a relief NGO operating in the target state may frustrate that goal, and *vice versa*.[6]

2. Generic Objectives of Sanctions

There are several 'generic' objectives which may be served - with greater or lesser effectiveness - by the imposition of sanctions. These are: satisfying domestic demand for action,

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[5] The case of South Africa provides the classic example of complex multilateralism in this context. While not all state and non-state actors shared the same policy stance at the same time, the rough confluence of policy which eventually emerged was undoubtedly a key factor in enhancing the material and normative force of the sanctions against the apartheid regime.

[6] More will be said about the role of relief organizations in the section on the humanitarian implications of sanctions.

punishing the target, supporting international norms, deterring other potential wrong-doers from committing similar delicts, deterring the target from carrying out its policy, laying the groundwork for the use of force, or coercing the target to desist its objectionable behaviour.

a) Sanctions as punishment

The objectives of punishing the target and satisfying domestic demands for action are closely related.[7] Often, domestic audiences (usually in Western states) will demand that their government 'do something' as a reaction to a perceived outrage. To the extent that the public demands *any* action - rather than effective action - the mere imposition of sanctions may be considered effective. While this point is somewhat banal when taken by itself, it bears keeping in mind because different states may have different objectives in advocating sanctions. States which are responding primarily to a superficial popular demand for action may be less likely to provide initial and sustained support for extensive measures, while those which are committed to effectiveness - whether for electoral or principled reasons - will likely be more willing to craft and administer an effective package of measures, and to bear its ongoing costs.

In general, sanctions should not be imposed for solely punitive reasons. There is little to gain from punishing a state in circumstances where no more constructive goal can be served, and there may be much to lose. Once imposed, sanctions tend to make regimes more recalcitrant. In some circumstances, sanctions may be unsuccessful even as penalties because they can produce gains for the regime and are therefore not *experienced* as punishments. For example, a target regime may blend propaganda, nationalist sentiment, economic distress, and xenophobia in order to whip up support for its policies and incite negative sentiments against the senders of sanctions. Certain sectors of the population may benefit from black-marketing activity under a sanctions regime, while others may benefit if the government successfully employs economic adjustment strategies - such as import substitution industrialization - in an effort to compensate for the effects of sanctions. Any of these unanticipated consequences could have the effect of increasing support for the target regime and its policies, undermining opposition and moderate forces in the target state, and stripping sanctions of their punitive value.

Finally, note that sanctions which are effective as coercive or deterrent measures against a weak or vulnerable state may amount to solely punitive actions against a stronger state. This is significant because, in following a prudent policy of eschewing punitive sanctions which are unlikely to have other desirable effects, states may be subjected to charges of bias levelled by domestic audiences and weaker states. (For example, some have criticized Canada for imposing sanctions on relatively weak states - such as Myanmar - while engaging in trade and diplomacy with states such as China, which are also pursuing objectionable policies.) If these charges come from a strategically important third state or a key domestic constituency, they may be politically embarrassing or strategically damaging. Under these conditions, the temptation to impose purely

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[7] See Kim Richard Nossal, "International Sanctions as International Punishment," International Organization, Vol. 43, Spring 1989.

punitive measures may be all the more keenly felt. The perception of bias is also important because it can undermine general support for the idea of sanctions, frustrating the search for multilateral consensus which may be sorely needed when a case arises in which sanctions promise to be effective in more substantive ways.

b) Diffuse deterrence and norm-strengthening

Even if they are not effective in coercing or deterring targets, sanctions may be valuable because of their ability to deter potential wrong-doers other than the target, and bolster international norms of conduct. These two objectives are distinguished primarily by the time frame within which they operate. In the short- to medium-term, sanctions can signal to potential wrong-doers that the international community will not allow them to commit certain acts with impunity. This may affect the cost-benefit analysis employed by decision-makers in these states. It seems likely that 'diffuse deterrence' of this sort benefits from its quiet, tacit character. Whereas the explicit threat or application of sanctions may cause the target to become resentful and recalcitrant, the diffuse threat of sanctions does not suffer from this problem. Decision-makers can assess likely costs and benefits in a more cool-headed manner in this context.

Of course, the diffuse deterrent value of sanctions rests on the credibility of the threat. To the extent that these decision-makers see themselves as members of a group that is typically excluded from the application of sanctions because of bias (for example, producers of strategically important goods), this threat will be less credible. This threat will also be less effective if decision-makers have reason to believe that sanctions will be ineffective if applied to their state.

In the longer term, consistent support for a given norm (through the application of positive and / or negative inducements) is likely to contribute to a socialization effect. Realizing that a certain act is simply 'not done' by legitimate states, a regime will be less likely even to consider that act as a policy option, let alone to subject the idea to a cost-benefit analysis.

c) Deterring the target

Sanctions - and in particular, the credible threat of sanctions - show some promise in deterring targets from committing a certain act. Unfortunately, they may have been under-used in this regard. Sanctions are usually not adopted or even threatened as a deterrent, but are considered after the delict has been committed. It is difficult to say much in a general sense about the deterrent value of sanctions, for this will depend primarily on the other contextual factors under consideration in this section. However, it seems clear that any delict, once committed, develops a sort of inertia: policymakers typically are loath to *reverse* decisions, particularly under pressure from without. Hence, where possible, states should make every effort to convey the possible costs of a decision *before* it is taken.

The threat of sanctions can be useful in this regard, particularly if it is conveyed in a firm, quiet, and credible manner. Care should be taken to allow regimes to maintain dignity in the face of likely domestic pressures to resist the will of the international community. Positive inducements which allow the regime to claim victory are very useful for this purpose, as is the exercise of quiet diplomacy.[8] Clearly, this may mean that formal deliberations in a highly public forum such as the UN Security Council are ill-suited to the task of deterrence. Unfortunately, it is difficult to marshall a strong, coherent (and therefore credible) sanctioning coalition in a quiet and timely manner. This tension between credibility and quiet diplomacy makes deterrence through sanctions especially difficult.

It must also be noted that certain types of sanctions - particularly financial sanctions such as asset freezes - are time-sensitive, and depend to a large extent on the element of surprise. This means that the threat of sanctions for purposes of deterrence may undermine the effectiveness of those same sanctions once imposed. Also, it is characteristic of economic sanctions in general that they take time before they begin to cause the target to feel pain. If a regime is oblivious to the potential long-term costs of these sanctions, their early imposition is unlikely to have the desired deterrent effect.

Finally, as the cases of Yugoslavia and Iraq have demonstrated, the deterrent value of sanctions may be increased if they are accompanied by the threat of force. This strategy is of particular use if quiet diplomacy has failed, and if the actual imposition of sanctions has not yielded compliance with the goals of the senders.

d) Laying the groundwork for the use of force

Sanctions occupy most of the vast diplomatic terrain that exists between silent inaction and the use of force. However, in addition to their use as discrete policy instruments, they are often used to lay the groundwork for the application of force. This can be done in three ways. First, sanctions may be imposed in an effort to lend credibility to a threat of force. In this case sanctions and force may work in tandem: sanctions can make the threat of force more credible, and the threat of force can make the sanctions more effective.

Second, sanctions may be viewed as a necessary domestic political measure or diplomatic nicety prior to the use of force. Their effectiveness in this regard may be reduced if, in the perception of other actors, the senders have not allowed the sanctions enough time to work.[9] If

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[8] The diplomatic response to North Korea's nuclear programme is very instructive in this context.

[9] Nicholas Tracy, Pro-Active Sanctions: A New/Old Approach to Non-Violent Measures. DFAIT Policy Staff Paper No. 94/17. Ottawa: Department of Foreign Affairs and International Trade, 1994. p.3.

this is the case, then multilateral support for both the use of force and for the continued use of sanctions may erode.

Finally, sanctions may be intended to soften the target's resolve and its material capabilities prior to the commencement of a military campaign.

e) Coercion: four 'modes of transmission'

Apart from adequate support and effective administration, the most important factors influencing the success of sanctions as coercive measures are the characteristics of the target, the relationship between the senders and the target, and the type of sanctions used. Before looking at these factors, however, it will be useful to understand the four general 'modes of transmission' by which sanctions may extract concessions from target decision-makers. Regardless of what actors, issues, or measures are involved, sanctions - if they are to engender change in the policies of the target - must operate through one (or more) of these four modes of transmission.[10] Bearing these in mind, it will be easier to appreciate how the likely effectiveness of sanctions can fluctuate along with variations in the contextual factors outlined below.

i) Rational Cost-Benefit Analysis

One mode of transmission is predicated on the idea that target decision-makers can be seen as rational utility-maximizers. According to this line of thought, sanctions will cause decision-makers deliberately to alter their policies if the sanctions promise to exact a cost that is higher than the benefits of continuing the objectionable behaviour, and if the decision-makers themselves experience this cost. Whether this logic 'reflects reality' in terms of *our own* conception of utility maximization is beside the point. The point is that, when considering how to make sanctions work, we must try to gain an understanding of the terms of reference which are being employed by target decision-makers.

Viewed as a policy-making tool, then, the rational utility-maximizer perspective suggests a number of important questions: who are the relevant decision-makers in the target? what sort of social goods (e.g. prestige, money, security, autonomy, ideological purity) do they value most? do they identify primarily with their own, personal interests, or does their cost-benefit analysis subsume broader interests of clan, nation, state, or society? what value do they gain from the pursuit of their objectionable policies? given the structure of the target state and

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[10] See Neta C. Crawford and Audie Klotz, eds., "Sanctions: A Framework for Analysis," in Neta C. Crawford and Audie Klotz, eds., How Sanctions Work: South Africa. Basingstoke, UK: Macmillan, forthcoming).

society, how can sanctions impose costs in a manner that is experienced by relevant decision-makers?

Of course, sanctions designed to cause change in this manner may not achieve their goals. Target decision-makers may be irrational or ill-informed, and they may miscalculate the consequences of their own course of action or of the actions of others (such as those imposing sanctions). Often, it is politically unfeasible or practically impossible to craft a package of sanctions which is forceful enough to cause rational decision-makers to change their policies. Even if this is the case, it may still be possible for sanctions to positively influence target behaviour through other means.

ii) Denial of Material Capacity

One such means involves denying the target the material capability to carry out the objectionable behaviour. The most obvious example of this strategy is the arms embargo. This type of policy has the advantage of not relying upon a conscious decision by target policy-makers. It is, in a sense, a strategy of 'amputating arms' rather than 'twisting arms.'

Obviously, such a strategy is most likely to be effective in cases where the target's policy is dependent on an imported material resource, and where the senders have control over the target's access to that resource. Clearly, the appropriateness of this strategy depends to a large extent on the issue area under dispute - for while it is impossible to annex a neighbouring state's territory without fuel and arms, it is easy to slaughter political prisoners even without those resources.

iii) Attempts to Incite Regime Change

Another way to engage in coercion while effectively bypassing target decision-makers is to impose sanctions which so weaken the regime - or so strengthen or incite its opposition - that the balance of power within the state shifts, and the regime falls. This strategy is obviously attractive, but its success depends on the existence of a robust opposition movement which enjoys the support of key sectors of the populace. Furthermore, the international community typically does not consider it acceptable to pursue goals by *explicitly* fomenting revolution in a sovereign state. Finally, this strategy often runs the risk of creating a massive crisis within the state, with unpredictable and potentially grave consequences for international stability - not to mention counterproductive effects in terms of the stated goals of the sanctions.

A variation on this strategy attempts to capitalize on the desperation of the masses by increasing their discomfort to such a point that they revolt against the regime. This strategy should be approached with the greatest caution. It is highly unlikely to work, and very likely to have counterproductive consequences: it may weaken the opposition relatively more than the regime, it may render the masses so weak that they are unlikely to engage in the political arena,

or it may produce a 'rally round the flag effect,' causing the masses to resent the sanctions and to glorify the 'brave' resistance of the target regime in the face of the apparent hostility of the international community. Regimes also have a tendency to adjust to this type of strategy by reallocating resources to key domestic constituencies, and using propaganda to convince the masses that any decline in their welfare is due to forces external to the state.

These dangers highlight a point of general importance for policymakers considering the imposition of sanctions: not all states and societies are the same. The formulation of an effective sanctions strategy demands a clear understanding of the culture and history of the target state, and of the various socioeconomic relationships between the regime, elite groups, and the masses.

iv) Socialization through Normative Argument

The final 'mode of transmission' takes account of the force of normative arguments. According to Crawford and Klotz, "Normative arguments may reframe issues within states so that actors will no longer support actions deemed illegitimate, or normative arguments may change the perception of the actor's self-interest or their sense of identity."[11]

Normative arguments differ from other modes of transmission in that they do not depend on the infliction of pain or the denial of material resources, but rather, on their success in re-framing issues in a manner which makes actors re-conceptualize their identity, or conceive of the costs and benefits of their objectionable behaviour (or of compliance with the will of the senders) in a new way. In this mode of transmission, sanctions both constitute implicit normative arguments, and buttress explicit normative arguments by ensuring that targets take these arguments as serious expressions of the will of the senders.

This is not to say that we should expect targets to adopt what senders regard as correct behaviour because they are convinced that it is 'morally proper' to do so. The force of normative arguments usually rests with their ability to cause actors to see that the end which they pursue through the objectionable policy - or some other valuable social good - is actually best obtained through a change of policy. In some cases, the argument may cause actors to re-conceive themselves in a way that causes them to want a good - most often, international prestige and legitimacy - that they are being denied.

To a large extent, the susceptibility of a target regime or society to normative argument depends on the character and extent of the cultural ties which exist between the senders of sanctions, and key groups in the target state. Do relevant target actors view some or all of the senders as friends, or enemies? members of the same group (as the Afrikaaners viewed the Europeans), or an out-group (as Serbs view the rest of the world)? Susceptibility to normative pressure also depends on the structure of the target state and society. For example, in the case

[11] Ibid.

of an efficient, domestically powerful authoritarian regime with a xenophobic leader, it may not matter that the masses in the target society have cultural ties or sympathies with the senders.

3. Issue area under dispute

Sanctions are likely to be more effective in resolving crises in some issue areas than others. This reflects the fact that different issues will elicit varying responses both from target regimes, and from potential members of a multilateral sending coalition.

a) Implications for multilateralism

The UN Security Council can impose mandatory sanctions only when it determines that the situation in question poses a threat to international peace and stability. In general, sanctions receive the highest level of multilateral support in response to clear instances of interstate aggression involving a breach of territorial integrity. In the post-Cold War era, however, the definition of a 'threat to the peace' has expanded to include illegal seizures of power (e.g. Haiti), sponsorship of terrorism (e.g. Libya), and situations of civil disorder and human rights abuses which have produced or threaten to produce international consequences such as transboundary refugee flows (e.g. Somalia, Liberia, Rwanda).

While China and Russia reserve the right to support this expanded definition of 'threat to the peace' on an *ad hoc* basis, they - along with many small states - wish to avoid establishing a norm that would allow sanctions as a response to ordinary cases of intra-state strife which offend the sensibilities of the West. This reluctance means that building a multilateral coalition behind mandatory Security Council sanctions will remain difficult - and perhaps costly in terms of diplomatic trade-offs - unless there exists either a clear breach of the peace, or a situation which threatens the interests of Russia and China.[12] Unfortunately, this fact is bound to frustrate efforts to establish early, credible threats of multilateral sanctions, threats which are essential to the practice of preventive diplomacy.

b) Implications for target response

Depending on the issue area under dispute, sanctions will elicit different responses from the target. Where the issue is related to what the target perceives as a core interest, sanctions are much less likely to be effective. According to Robert Pape, "sanctions should be most

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[12] Russia has made it quite clear that it considers mandatory sanctions a last resort, and prefers the adoption of discretionary measures. See United Nations General Assembly Document A/AC.182/L.94, 27 January 1997, "Working paper submitted by the Russian Federation: Some ideas on the basic conditions and criteria for imposing and implementing sanctions and other enforcement measures."

effective in disputes involving minor issues that do not affect the target country's territory, security, wealth, or the regime's domestic security."[13] Nicholas Tracy argues that "the coercive force of economic sanctions is generally inadequate to affect the outcome of critical, time-urgent developments in international relations. The difficulties to be overcome are so great that it may only be useful to conceive of coercive sanctions as a means of punishment and deterrence."[14] Indeed, as we have seen, a firm but quiet threat of sanctions may be useful as a deterrent even against disputes involving core issue areas (such as North Korea's nuclear weapons programme), particularly if deployed in conjunction with positive inducements and / or a credible threat of force.

Under most circumstances, it is futile to use high-profile measures in areas - such as human rights or disputes over 'sacred' territory - which are charged with cultural significance. However, as the case of South Africa demonstrates, if the regime in question *desires* to be viewed as a respected member of Western society, then an extended period of painful, high-profile sanctions may yield gains even in culturally sensitive issue areas. In addition, when threatened or applied as punishment for gross violations of human rights, sanctions have also occasionally proven useful in extracting token concessions such as the release of a few political prisoners.

4. Target characteristics, target-sender relations, and type of sanctions

Assuming that sanctions receive robust multilateral support and efficient administration, the most important factors influencing their success are: the type of sanction, the characteristics of the target, and the character of the relationship between the senders and the target. The following section will survey several general types of sanctions, and explain how these factors affect the likely success of each type. While this study has divided sanctions according to type for purposes of clarity, it should be noted that it is rare for a single type of sanction to play a determining role in the success of a sanctions programme. With this in mind, senders must craft a package of mutually reinforcing measures chosen from the menu of sanctions, threats, positive inducements, and various techniques of constructive engagement.

a) Targets vs. Senders: general observations

As a general point not related to any one type of sanction, it is important to take account of cultural factors which may cause groups in the target state to view the issue area, the senders, the sanctions, or their own government in emotionally charged ways. Doxey cites shame,

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[13] Robert A. Pape, "Why Economic Sanctions Do Not Work," International Security, Vol.22, No.2 (Fall 1997). p.109.

[14] Tracy, p.2.

honour, anti-Western sentiment, and a desire for independence as factors which can make a regime and even a society less willing to entertain the idea of bending to the will of the outside world.'[15] As Pape notes, "Pervasive nationalism often makes states and societies willing to endure considerable punishment rather than abandon what are seen as the interests of the nation, making even weak or disorganized states unwilling to bend to the demands of foreigners."[16] For example, Kosovo takes its importance to Serbs from the fact that it is viewed as the cradle of their civilization. As a result, the bulk of the Serb populace would viscerally resent sanctions imposed by a 'hostile' international community in the context of that dispute. In South Africa, on the other hand, the black majority supported the sanctions, while many Afrikaaners were psychologically distressed by the sanctions precisely because the measures were supported by their European 'cousins.' In general, sanctions are more effective when imposed by states which are viewed by the target as 'friendly.'[17]

Another factor which affects a regime's ability to deal with sanctions is its capacity to control the flow of information both into and within the state. A regime which is able to prevent the inflow of accurate information regarding the senders' reasons for imposing the sanctions will be more likely to quell opposition and construct a 'rally round the flag' effect in support of its policies. For states which are integrated into the global economic and information order, this will be more difficult. The existence of an entrenched opposition with ties to the outside world may also frustrate the regime's efforts at propaganda. As previously mentioned in the context of South Africa, global civil society can play a key role in facilitating opposition activity within a target state. If extensive bureaucratic, economic, and cultural relations exist between the target and sending states, it will be easier to provide information and moral support for the opposition.[18]

b) Comprehensive economic sanctions

Economic sanctions can involve measures such as import and/or export embargoes, refusal of credit sales, suspension of loans from international financial institutions, imposition of tighter conditions of debt repayment, and suspension of the convertibility of currency. It is important to distinguish between economic sanctions writ large, and comprehensive financial sanctions, which are a subset of economic sanctions. Comprehensive financial sanctions can be defined as a "set of measures which aim at freezing or immobilising all financial resources at

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[15] Doxey, International Sanctions in Contemporary Perspective. p.104.

[16] Pape, p.93.

[17] Franklin L. Lavin, "Asphyxiation or Oxygen? The Sanctions Dilemma," Foreign Policy, 104, Fall 1996. p.150.

[18] However, Margaret Doxey notes that support for opposition groups may render them vulnerable to persecution. (Personal communication.)

the disposal of a target country that could be used to finance or fund cross-border activities, and at preventing additional financial resources being made available to a target country during the period for which sanctions apply."[19] The term 'comprehensive' indicates that the sanctions are imposed on the target state as a whole, rather than being targetted at specific individuals or corporations.

If they are to be useful as coercive measures, comprehensive economic sanctions must work through at least one of the above-mentioned modes of transmission. However, they often fail to do so, usually for reasons grounded in the structure of the target state and society. A key lesson is that efforts to maximize the objective costs of economic sanctions will not necessarily yield anything resembling a proportionate outcome in terms of policy change. When considering the appropriateness of an embargo or other comprehensive measure, then, there are two basic questions which must be answered: to what degree can we impose economic effects on the target, and what is the likelihood that these effects will contribute to positive policy change?

Obviously, the character of the relationship between the state and the global economy will help to determine the initial impact of economic sanctions. In general, states which are more tightly integrated into the global economy are more sensitive to this type of measure than relatively isolated or autarchic polities (such as North Korea). States which depend on one market, or on a small range of import goods or export products, will be more sensitive to the effects of an embargo, provided that the relevant trading partners agree to take part in the sanctions, and that the strategically important goods are, in fact, subject to the embargo.[20] As Ivan Eland argues, "Western sanctions contributed to the South African government's movement toward political reform because that country obtained 80 percent of its trade and all of its capital from six Western nations with which it had extensive political and cultural ties."[21]

The question of whether the threat or reality of economic isolation will yield positive policy change is a more difficult one to answer, and depends on a variety of economic, political, cultural, and other social factors. Economic measures designed to directly influence the target regime often fail because regimes can reallocate resources in ways that mitigate the effects of

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[19] Rolf M. Jeker, Lessons Learned and Definitions. Paper presented at the Expert Seminar on Targeting Financial Sanctions, 17-19 March 1998, Interlaken. (Swiss Federal Office for Foreign Economic Affairs, 1998.)

[20] Neither of these conditions have been met in the case of the ongoing U.S. sanctions against Iran (which continues to export oil), with the result that the measures have been highly ineffective. See Jahangir Amuzegar, "Adjusting to Sanctions," Foreign Affairs, Vol.76, No.3.

[21] Ivan Eland, "Think Small," Bulletin of the Atomic Scientists, November 1993. p.4. Xavier Carim, Audie Klotz and Olivier Lebleu argue that the short-term nature of South Africa's foreign debt made it easier for sanctioners to pressure the government to eliminate apartheid. "The Political Economy of Financial Sanctions," in Crawford and Klotz, eds.

sanctions, and which support their core interests and those of their key supporters.[22] For similar reasons, embargoes tend to be ineffective in fostering mass revolt which might bring down the regime. Depending on the resources in question, a strategy of reallocation may also allow the state to frustrate sanctions intended to deny it the material capability to engage in its objectionable policies.

According to Doxey, "typical advance action to reduce the effect of trade embargoes includes stockpiling; the development of alternative sources of supply; the stimulation and diversification of domestic production; control of strategic resources, and the development of industrial substitutes."[23] To the extent that states are capable of employing these strategies and of extracting resources from other sectors of society *without endangering their domestic power base*, they will most likely be able to withstand the effects of an embargo.

Tracy notes that food, in particular, is a "poor ... target for economic warfare. Direct and indirect substitution can reduce import requirements to a low level. Famine is only likely to overtake a substantial state as a result of its administrative failure.... Even when famine has resulted from food control, historic precedent does not suggest that its political results will be useful..."[24] For, as Dashti-Gibson argues, "nations which are weak to begin with are easily destabilized by sanctions, while stronger states are relatively immune to even very high cost sanctions."[25]

Pape has noted that "economic sanctions may be more effective against societies with extremely uneven income distributions" because the regime is unable to blame the plight of the populace on the sanctions, if the bulk of the citizenry is already extremely poor.[26] Interestingly, where the masses enjoy a standard of living that is well above subsistence level (e.g. the former Yugoslavia), they sometimes seem relatively less willing to sacrifice on behalf of the state. However, this may reflect culturally-based differences in allegiance to the state or a specific policy, or the enhanced ability which one enjoys to engage in the political spectrum when one's existence is not directly threatened by starvation.

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[22] In addition, elite groups in target states are often in an excellent position to benefit economically from the sanctions by engaging in black-marketeering. See Tracy, p.16.

[23] Doxey, International Sanctions in Contemporary Perspective. p.111.

[24] Tracy, pp.6-7.

[25] Jaleh Dashti-Gibson, Patricia Davis, and Benjamin Radcliff, "On the Determinants of the Success of Economic Sanctions: An Empirical Analysis," American Journal of Political Science, Vol.41, No.2. p.614.

[26] In this context, Pape contrasts South Africa (characterized by radical disparities of wealth) with Iraq (where socialist policies kept the masses in relatively good shape prior to the sanctions.) Pape, pp.109-110.

This discussion highlights the importance for senders of understanding the relationship between the target regime, its elite groups, and the masses. For example, sanctions are often imposed in the hopes that the resultant economic pressures will cause elite groups to demand that the target regime change its policies. In the case of South Africa, financial sanctions were successful in large part because they caused discomfort among business elites, thereby contributing to a rift within the white establishment.[27] Often, however, the elites depend on the regime for physical protection against a hostile populace, just as much as the regime depends on the elites for their support.[28] (This relationship was evident in the case of Haiti.) Clearly, then, it is important for would-be senders to gauge the ability and willingness of the regime to physically quell any opposition which may arise as a result of deprivation related to the sanctions.

It is helpful to note that financial sanctions differ from trade sanctions with respect to the market dynamics which they engender. As Carim, Klotz and Lebleu note, bans on immediate financing tend to cause panic among bankers, who are likely to refuse loans for fear of not being repaid. "But the dynamic is different for trade, where suppliers have an incentive to stay in sanctioned markets... [T]rade sanctions are more difficult to implement because they require government restrictions on the economic incentives to profit from being the only supplier.... Combined, financial sanctions offer more opportunities to work with, rather than against, market forces."[29] According to another study, the factors affecting the success of sanctions "depend upon the goals of the sending nations. When that goal is simply destabilization, the principal determinant of success is the initial stability of the target. For other goals, the use of financial sanctions is most effective."[30]

One creative idea concerning financial sanctions has been put forth by Nicholas Tracy.[31] He suggests that it might be possible to modify the target's behaviour by imposing a tax on its international commercial transactions. This could have the advantages of maintaining quasi-normal relations between targets and senders, exacting a cost from the target, and allowing adjustments aimed at increasing the effectiveness and reducing the humanitarian impact of the measures, while rewarding good behaviour by lowering the 'tax.' The 'oil for food' programme implemented in the case of Iraq represents one variant of this idea.

In sum, comprehensive economic sanctions are most likely to be effective coercive measures under some or all of the following conditions: they must encompass strategically

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[27] See Carim, Klotz and Lebleu.

[28] Kim Richard Nossal, personal interview.

[29] Carim, Klotz, and Lebleu, p.13.

[30] Dashti-Gibson *et al*, p.608.

[31] See Tracy, especially pp.22-28.

important resources, they must be supported and enforced by key commercial partners of the target state, the target must be heavily dependent on trade and/or investment for its economic well-being, the target society must have a robust opposition with access to unbiased information, the demands of the senders must not offend the cultural sensibilities of the masses, and the state must find it difficult to adjust in a way that mitigates the impact of the sanctions. Even when these conditions prevail, however, economic sanctions are likely to take months or years before they yield substantive policy change. This fact may test the patience of the masses in the target state, and of senders - many of whom may eventually wish to 'forget' the issue at hand and allow their citizens and companies to reap the gains of engaging in commerce with the target.

That having been said, trade embargoes may be more effective when they can successfully stem the flow of a resource - such as fuel oil - that is necessary in order for the target to carry out its objectionable policy. Finally, embargoes and other economic measures may represent an effective diffuse deterrent for third states, who may be less likely to engage in similar activities if they see the damage which economic isolation can inflict.

It is also important to consider the implications of comprehensive economic sanctions for multilateral cooperation among senders. Trade embargoes, in particular, tend to put tremendous strain on the cooperation that is so important to their success. Individuals and corporations - particularly those in poor states bordering on the target - find it difficult to resist the profits to be reaped from smuggling and black-marketeering. These neighbouring governments rarely have incentives to put a stop to the illegal trade, even if they have the resources to do so. Nor does the international community routinely report on and punish states which fail to enforce sanctions. Whether the tasks of enforcement and monitoring are adequately performed depends largely on the political will of the international community, which has been reluctant to provide the necessary resources to accomplish this. Finally, the humanitarian impact of comprehensive economic sanctions presents states with moral and political dilemmas which may weaken their resolve to maintain the sanctions long enough for them to have the desired effect.[32]

c) Targetted Measures

Comprehensive economic sanctions tend to be viewed by target elites as a major inconvenience, but they are unlikely to have an independent coercive effect unless very specific conditions prevail. As Tracy argues, "To be effective as a coercive force, economic sanctions must create political pressure on an influential person or persons in the target government, and they must do so in a way which facilitates compliance."[33] States have also been made wary of embargoes by the ongoing experience with sanctions against Iraq. The humanitarian impact of these sanctions, along with their detrimental effects for the commercial interests of French and

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[32] The humanitarian impact of sanctions will be examined in a subsequent section.

[33] Tracy, p.4.

Russian corporations, means that Security Council members may be likely to approve such measures in future cases.

The debate concerning sanctions has therefore shifted to one of how to construct and implement 'targetted' or 'designer' sanctions - measures designed to impose high costs on relevant target elites, while sparing the masses the impact of more comprehensive measures. This section considers the potential of these measures, and the problems associated with their application.

i) Freezing Assets

One way to target elites is to freeze the assets they hold in foreign accounts. For several reasons, however, assets freezes are difficult to implement effectively. First, it is often difficult or impossible to trace the ownership of assets.[34] This difficulty is compounded by the fact that tracking and preventing financial transactions requires a level of technology and technical knowledge which many states do not possess and cannot afford.

Second, assets freezes cannot succeed without the full support of the banking industry. Even in a state like Canada, which possesses a sophisticated bureaucratic apparatus, the government depends on the cooperation of the banking community to identify and freeze target assets. In other, less administratively advanced states, an effective freeze may not be possible even given a high level of political will. Moreover, this political will may be difficult to come by: financiers are reluctant to alienate potential investors by cooperating with assets freezes, and this reluctance may find its expression in a distinct lack of enthusiasm for these measures on the part of host governments anxious to attract and maintain the investments of these elites. Assets freezes are also difficult to implement in states where banks have a high degree of *de jure* autonomy from the government.

Third, as Doxey notes, the success of the Iranian assets freeze "probably served as a warning to dictators and others not to keep their assets in one country and wherever possible to conceal them."[35] As financial sanctions become more popular, we can expect that regimes will be more careful to hide and protect their assets as soon as they suspect that sanctions may be invoked. This time factor presents daunting challenges to the effectiveness of these measures.

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[34] Attempts to sanction Serbia were instructive in this regard: false names and shell corporations made it very difficult to trace asset ownership, and to ensure that all relevant parties were identified and sanctioned.

[35] Margaret P. Doxey, United Nations Sanctions: Current Policy Issues. Halifax: Dalhousie University, Centre for Foreign Policy Studies, 1997. p.22.

Secrecy, and the timely sharing of intelligence among relevant parties are crucial to their success.[36]

While assets freezes have met with considerable enthusiasm among policymakers, the academic consensus is that these measures are not likely to be very effective, given the predilection of target elites to engage in looting and other innovative means of replacing inaccessible funds. Assets freezes are attractive primarily because they allow states to feel that they are 'doing something' about a problem in a way that is sure to cause *some* direct inconvenience to target elites, while not harming innocent civilians in the target state. For precisely these reasons, assets freezes will play a legitimate and increasingly prominent role in future episodes of sanctions. Canada may therefore wish to contribute to the effectiveness of these measures by encouraging cooperation among political and corporate actors, pushing for the international harmonization of domestic laws concerning assets freezes, facilitating the timely sharing of intelligence data regarding ownership of assets, and increasing the dissemination of relevant technology and technical expertise.

ii) Travel / visa sanctions

Other popular targetted measures are travel bans and visa sanctions, applied variously to leaders and elites of the target state, their families, and their associates. Recent experience with these measures in Sierra Leone - and the Iraqi leadership's strong reaction to the threat of similar measures in October, 1997 - demonstrate that these sanctions can exercise a surprisingly strong psychological effect on their targets. Leaders - particularly newly ensconced autocrats with little domestic support - crave the trappings of leadership. Travelling abroad for diplomatic purposes allows them to reinforce in their own minds (and, they hope, the minds of their subjects) the idea that they are legitimate and internationally respected heads of state. The denial of this legitimacy can be galling, and potentially damaging to the project of building domestic support through the manipulation of propaganda.[37] Conversely, it can be very heartening to opposition supporters within the target and abroad.

Applied to elites and their families, travel bans can produce the psychological effect of being placed under house arrest. This effect is most pronounced in small states with no cosmopolitan cities or attractive resort areas. As one aid worker remarked, "a travel ban against about one hundred of Burundi's top families would have been very effective. There isn't much to do in Burundi." Where the survival of these elites is linked to the success of the regime and its policies, a travel ban will likely have no effect. However, where elites have some latitude for

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[36] For relevant policy suggestions, see The Financial Task Force on Money Laundering The Forty Recommendations.

[37] Of course, where leaders have demonstrated a willingness (or even a desire) to ignore the international community - as in Burma and North Korea - these measures are likely to be ineffective.

choice in their support for the policy in question, this measure can be valuable in softening resistance to a negotiated settlement.

It should be obvious that travel bans and visa sanctions - as sophisticated forms of insult which will increase the target's level of isolation - should be applied only when it appears as though there is no chance of pursuing cordial negotiations with the existing regime. There are instances where the denial of legitimacy implicit in a travel ban might provoke an angry backlash, or cause ongoing negotiations to break down. Furthermore, where there is no viable opposition in the target state, this sort of insult may pose an unnecessary obstacle to the eventual and inevitable resumption of more constructive forms of engagement. In brief, then, these sanctions are most appropriate in situations where quiet diplomacy and the threat of sanctions have failed, where the threat of military force is being used simultaneously, and where the regime needs to enhance its image of international legitimacy in order to survive domestically.

iii) Diplomatic sanctions

Much of the same can be said of sanctions which exclude the target from engaging in normal diplomatic relations in the context of a bilateral relationship or a multilateral forum. While these measures can pay substantive as well as symbolic dividends for senders, it is important to reserve the most severe forms of diplomatic isolation for cases in which engagement seems doomed to failure. Less severe forms of censure - such as the downgrading of diplomatic representation, the imposition of time-limited suspensions of membership, or the suspension of voting rights in multilateral fora - may have the advantage of keeping open channels of communication, while denying some of the sense of legitimacy and the substantive benefits which accrue from normal relations.[38] Depending on the culture of the target regime and the personalities of relevant officials, however, even a slight downgrading of diplomatic representation may be taken as a grave insult. These measures should therefore be deployed with the utmost attention to contextual factors.

Diplomatic sanctions are most likely to be effective in a democratic context, between normally 'friendly' states. It has also been argued that the education and cultural background of the target leadership will have an impact on its susceptibility to moral suasion and the effects of delegitimation.

iv) Cultural and sports sanctions

As the case of South Africa demonstrated, banning representatives of the target state from taking part in international sporting and cultural events can cause considerable psychological

[38] An example is to be found in the sanctions against Sudan.

angst to the populace of the target.[39] It can also be useful to threaten or actually prevent a sporting or cultural event from taking place on the soil of the target state, if this measure is publically linked with the offending policy. These measures will be most effective where the target population takes special pride in its activities in the entertainment or sporting realms, and when it perceives itself as part of the cultural group that is denying it the opportunity to participate in these activities.

On the other hand, such measures are sometimes inadvisable when states are pursuing carefully crafted, long-term strategies of cultural engagement with a target that is suspicious of the outside world. In these situations, sporting or cultural bans may still be useful, but only if they can be targetted toward specific groups or venues which are identified with the offending policy (e.g. a boycott on performing in white-only venues in South Africa, or a ban which excludes only state-sponsored teams from travelling abroad.)

Sports and cultural bans are particularly amenable to a holistic strategy of sanctioning which emphasizes the role of non-state actors. Therefore, they may be pursued by governments wishing to enhance and exploit popular support for sanctions in order to increase the compliance of the business community with other, more concrete measures. They also represent a useful means of demonstrating solidarity with opposition groups in the target.

v) Arms embargoes

States have long recognized the value of arms embargoes and sanctions against other military materiel. These measures are most effective when they impair the target's ability to defend itself from internal or external threat. They may also represent a painful blow to a sensitive part of the psyche of the regime or the nation. However, this effect can easily backfire, in that it may cause the target to become more insular, and to step up its efforts to develop an autonomous military capability (which may include cheap but destabilizing weapons of mass destruction.) Both of these dynamics can have destabilizing effects in the national, regional, and global contexts. Military embargoes can also be easily exploited for domestic propaganda purposes. If the target is a relatively unified nation which already feels aggrieved, such measures could be highly inflammatory.

Even when they are not directly counterproductive to the interests of the senders, arms embargoes are somewhat disingenuous (not to mention virtually useless) when states have spent years flooding the target state with weapons. Such measures are also likely to be ineffective - or slow to take effect - when the target is an authoritarian, militarized state which has been building up its military capacity for an extended period of time. A report by the United Nations Association - U.S.A. concludes: "considering the range of dual-use items, the number of suppliers for most weapons components, and domestic stockpiles, [arms embargoes] are usually

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[39] See David Black, "'Not Cricket': The Effects and Effectiveness of the Sport Boycott," in Crawford and Klotz, eds.

hard to monitor and slow to bite. In some cases, it may be possible to develop a reasonably comprehensive list of dual-use items that may have military significance and should be curbed."[40] As we will see in subsequent sections, the process of identifying dual-use items is inherently political - a fact which has implications for both the effectiveness and humanitarian impact of arms embargoes.

Obviously, the success of an arms embargo depends on the presence of robust monitoring and enforcement mechanisms. Because of a lack of political will, such mechanisms were absent in Somalia, Rwanda, and Angola, and extremely porous in the former Yugoslavia. It should also be noted that - as in the Yugoslavian case - comprehensive arms embargoes may have the effect of 'freezing' the relative military advantage of the more aggressive or culpable party to a conflict.

V. Sanctions in context

a) Timing and effectiveness: 'comprehensivism' vs. 'incrementalism'

Traditional thinking about sanctions advocates the swift imposition of comprehensive measures. This strategy is founded on the argument that the senders must convey a strong message to the target, and that they must not allow the target time to adjust to the sanctions before they are carried out. There are several points in favour of such a strategy. Obviously, whether they are the first measures imposed or the last, sanctions should be strong enough to carry a clear message, and to have some chance of bringing about the desired effect. Furthermore, where time is of the essence, (for example, if the target seems poised to launch an aggressive military operation) it might be advisable to impose comprehensive measures immediately. It is also obvious that the initial 'phase' of sanctions should include measures such as assets freezes which, if not imposed quickly, could be evaded. Finally, the demands of coalition politics might well encourage hard-line states to insist on a tough initial package of sanctions, given the difficulty of gaining support for further measures once states have satisfied the urge to 'do something' by adopting relatively weak sanctions.

As compelling as these points are, it is not at all clear that the 'hit hard, hit fast' argument is appropriate in all cases. Senders must recognize that harsh sanctions can humiliate a regime, or place it in a situation where concerns of saving face or appeasing extremist domestic constituencies make it impossible to back down. Strong sanctions will sometimes make a state retreat into defensive isolation. As we have noted, this can be particularly dangerous if weapons of mass destruction are involved. Senders must also be wary of imposing strong measures all at once and leaving themselves with no further credible threat: it is often wise to

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[40] United Nations Association of the United States of America, Words to Deeds: Strengthening the UN's Enforcement Capabilities. New York: UNA-USA, 1997. p.24.

begin by imposing relatively strong measures, while holding both carrots and 'heavier' sticks in reserve.

It is also wise to think twice before imposing draconian sanctions because it may be difficult to maintain a consensus behind these measures over the long term. Multilateral support is a necessary element of credible sanctions, and if the measures initially imposed cannot sustain this support long enough for them to be effective, then the sending coalition will weaken. This will likely undermine the credibility and effectiveness of the measures.

Should sanctions fail to achieve their coercive objectives, it may be difficult for senders to lift them without a loss of face. Since sanctions rarely achieve their stated policy goals, senders must pay attention to the likely 'endgame' on both the international and domestic fronts. As the United States has discovered with its sanctions against Cuba, certain sanctions can produce conflicting imperatives: they may be both ineffective and costly in strategic and economic terms, but virtually impossible to lift for electoral reasons. States must be aware of the potential for these problems when they formulate their initial policies, and develop a clear exit strategy. Would-be senders should familiarize themselves with the domestic political challenges facing their fellow coalition members, since these demands can frustrate future efforts to lift sanctions in a forum like the Security Council, where consensus is required.[41]

b) The limits of time, and the promise of time limits

It has become commonplace to note that sanctions regimes were originally not envisioned as long-term operations. Until recently, sanctions were viewed primarily as a means of responding to clear threats to the peace, a phrase which was normally applied only to instances of extraterritorial aggression. In the 1990s, however, sanctions have been used to address problems which are less apt to be resolved in a short period of time. This has created numerous problems. First, as we will see, long-term sanctions tend to have a more pronounced negative impact on the structure of the target's economy and the welfare of its people. Second, economic sanctions disrupt patterns of commerce. The longer they are kept in place, the more likely it is that members of the sending coalition will come under intense corporate pressure to defect from the regime. This means that sanctions are likely to be more difficult to sustain over the long term. Finally, there is a widespread perception that if sanctions do not work in a matter of months, they will not work at all. The reality, of course, is more nuanced: in some cases, such as that of South Africa, the socialization of the target could not have been accomplished without

[41] George A. Lopez, David Cortright, Thomas G. Weiss, and Larry Minear, "Political Gain and Civilian Pain: The Humanitarian Impacts of Economic Sanctions." Paper prepared for the 1997 meeting of the International Studies Association, Toronto. p.28.

long-term pressure.[42] Nonetheless, the perception that long-term sanctions are ineffective leads to problems for multilateral cooperation.

These issues - which have been most clearly evident in the case of Iraq - have helped to produce significant trends in recent Security Council debate concerning sanctions. First, fearing that their commercial interests will be disrupted *indefinitely*, Council members have been more reluctant than ever to consider economic sanctions against important commercial partners. Second, there has been a laudable emphasis on crafting resolutions which more clearly elucidate the conditions for easing, tightening, lifting, and reimposing sanctions.[43] While this trend toward precision will arguably make it more difficult to form a consensus around *strong* measures, it should nonetheless result in sanctions which receive more concrete (rather than rhetorical) multilateral support, and which are viewed as more credible and reasonable by significant portions of the international community.

In some instances, strong sanctions might be more widely supported if they included a 'penalty-box' provision, whereby some or all of the proposed measures would be lifted or eased after a pre-set length of time. For example, senders could choose to implement painful short-term economic sanctions which would raise the price of goods and convey a strong message to the target regime and society and the international community at large. Time limits could enable them to accomplish this without appearing arbitrarily vindictive, risking long-term damage to the target economy, or causing massive humanitarian suffering. Such measures might also be attractive to senders who are concerned with avoiding long-term disruption of commerce with the target. Finally, since they are lifted after a finite length of time, these sanctions help to circumvent the problem of crafting an 'exit strategy,' which can be politically difficult given the tendency of sanctions not to produce changes in the target's behaviour.

However, this strategy has obvious problems, which make it ill-suited to certain cases. It could produce sanctions which are viewed as a mere 'slap on the wrist' by advocates of stronger measures, who would undoubtedly accuse the senders of belittling the target's infraction by giving it the international equivalent of 'two minutes in the penalty box.' By virtue of its time-limited nature, this strategy also robs traditional economic sanctions of much of their

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[42] The nature of South African society and of the changes that were called for made swift reforms all but impossible. Nonetheless, it is possible that the sanctions would have worked more quickly had they received strong, multilateral support in their initial stages.

[43] This trend can also be read as an expression of frustration at what many states view as a misuse of the sanctions against Iraq. These measures are widely perceived as having been 'hijacked' by the U.S., which has used its veto power against efforts to lift or ease the sanctions. The U.S. has been accused of making such adjustments conditional upon an ever-growing list of demands, without subjecting these demands to debate by the Council. This exemplifies the 'double veto' capacity of the P-5: they can veto a resolution imposing sanctions, and they can frustrate attempts to lift sanctions.

coercive force. Finally, many senders would find it politically unpalatable to remove sanctions in the absence of some moderation in the target's behaviour. Nonetheless, time-limited sanctions represent a means of imposing concrete costs in a relatively nuanced manner. They are therefore worth exploring, particularly when difficulties of gaining consensus make it all but impossible to impose other substantive measures.

c) Carrots, sticks, and carrot sticks

This discussion has outlined many factors which should be taken into account when deciding whether or not to impose sanctions, and in designing an appropriate programme of sanctions. However, it is imperative to envision sanctions in the context of a broader menu of diplomatic options, ranging from inaction, through constructive engagement, positive inducements, and the threat and use of force. Whether to use sanctions alone, in combination with other measures, or not at all, is a question whose answer will depend on the particulars of the problem at hand. However, it is possible to make a few broad generalizations about the relative utility of different measures.

i) Sanctions and force

Obviously, military force is ill-suited to issue areas such as trade disputes and environmental issues. However, as a response to real or potential inter-state aggression, civil war, and coups d'etats, the threat of force must always be present, if only in the background. Indeed, a study undertaken by Morgan and Schwebach concludes that "sanctions appear to matter little in general, while the relative military capabilities of the parties does have an effect on dispute outcomes."[44]

Sanctions are useful in cases of violent conflict because they can buttress the credibility of the threat of force. They are also useful for preventing the flow of arms and other strategically important materiel to the target. As coercive measures, however, they tend to be of little value in cases involving violent conflict within or between states. As we have seen, economic sanctions in particular have the potential to exacerbate these situations, and to frustrate the goals of the senders. In general, it is best to respond to violent situations by implementing only those sanctions which are necessary to signal intent and to deprive the target of strategic commodities. Additional sanctions are likely to prove both futile and counterproductive. Again: a credible threat of force is the key to resolving these conflicts. This has been demonstrated time and again, most vividly in Haiti and Iraq.

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[44] T. Clifton Morgan and Valerie L. Schwebach, "Fools Suffer Gladly: The Use of Economic Sanctions in International Crises," International Studies Quarterly, 41 (1997), p.43.

Sometimes, sanctions are imposed and maintained in an arbitrary and atavistic fashion, when force is already present and doing its job adequately. For example, the current sanctions against Iraq are often justified on the grounds that they are responsible for pressuring the Iraqis into granting UNSCOM the ability to investigate Iraq's weapons capabilities. In truth, it seems certain that the economic sanctions against Iraq could be dropped - a move which would improve the plight of the Iraqi people and ease relations between the P-5 - without depriving UNSCOM of its access. The key is to maintain the clear and credible threat of force.[45] It is impolitic to state this publicly, but occasional shows of force and air strikes (as necessary) against military targets - backed by the credible threat of wider-scale military action - would be cheaper, more effective, and more humane than sanctions, even taking into account the need to maintain a military presence in the Persian Gulf.

It seems counterintuitive to suggest the use or threat of 'more powerful' measures before (or instead of) 'milder' ones, but in many cases this feeling is a reflexive emotional impulse, given undue policy clout because of its impact on public opinion. As a result, sanctions are often used where force would almost certainly be more effective and more humane, but is viewed as politically unfeasible. Of course, the political difficulties associated with the use of force are not going to change in the foreseeable future, and indeed, it is useful to have a norm which regards military force as a very serious matter, to be avoided whenever possible. Nonetheless, we must remain quietly conscious of what policies are actually likely to do the work in a given situation, and seek to employ those policies while avoiding the gratuitous imposition of counterproductive and inhumane sanctions as a substitute for force. Security Council members must be reminded of this at every turn. Their current operating logic dictates that they should adopt the toughest non-military measures which can sustain multilateral support. This 'highest common denominator' logic is no substitute for real debate founded on the principles of effectiveness and a concern for target civilians. The lack of the political will to impose *effective* measures should not be used as an excuse to impose foolish and inhumane measures.

ii) Positive inducements and constructive engagement

Wherever possible, policies involving constructive engagement and positive inducements are preferable to policies which depend exclusively on negative sanctions and the threat of force.[46] Policymakers would do well to look at what the target hopes to gain from the pursuit of its objectionable policies, and ask whether they can either cause the target to change its

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[45] There is a good argument to be made that comprehensive economic sanctions may sometimes be a useful complement to the threat of force in order to signal the gravely serious intent of the senders, but that they should be lifted or eased once force has been used.

[46] For a particularly lucid discussion of this debate, see Lavin, "Asphyxiation or Oxygen? The Sanctions Dilemma." *op cit.* fn.17.

preferences, or whether they can provide the good that is sought by the target in a different, less objectionable manner.

For example, concerns of security and energy autonomy lay at the foundation of North Korea's nuclear weapons programme.[47] By supplementing the threat of sanctions (economic, diplomatic, and military) with the promise of carrots including fuel oil, nuclear reactors, and the normalization of relations, the U.S. was able to extract significant concessions from the North Koreans. This strategy of threat coupled with 'inducement through substitution' would not have worked had it depended exclusively on either carrots or sticks: it required both.

It is desirable to entice the target of a positive inducement strategy to 'bite' into a carrot that is ongoing, and which can be used as a stick if necessary. For example, the U.S. could threaten to withhold or reduce yearly transfers of oil to North Korea should the latter fail to comply with its disarmament commitments. Note, however, that both parties can become equally dependent on carrots such as open trading arrangements. As a result, the 'sender' may be politically unwilling to use this relationship as a negative sanction, given the costs associated with doing so. The fuel oil example works because North Korea benefits disproportionately from receiving the oil, whereas the U.S. would not lose money by ceasing these transfers.

There are, of course, many limitations to strategies involving positive inducements. Sometimes, it will be impossible to change the target regime's mind, or to give it what it wants by way of substitution. For example, the leaders of a military coup might value their power so much that they are unwilling to step down in return for positive inducements, while the international community will likely remain unwilling to recognize the regime as legitimate.

Positive inducements are sometimes quite costly - Dorn and Fulton estimate that North Korea received at least US$4 billion in carrots.[48] However, they can sometimes consist of cheaper measures such as diplomatic recognition, or concessions in the context of a negotiation. Furthermore, in assessing the relative costs of sanctions and positive inducements, policymakers should bear in mind the considerable costs which sanctions carry when they are properly administered and enforced.[49]

Diplomacy using positive inducements is also somewhat risky given its tendency to set undesirable precedents. If it is practiced too often, some regimes might undertake objectionable policies solely in order to reap the benefits of the international community's appeasement efforts.

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[47] See A. Walter Dorn and Andrew Fulton, "Securing Compliance with Disarmament Treaties: Carrots, Sticks, and the Case of North Korea." Global Governance, 3.

[48] Ibid., p.17.

[49] This will be discussed in the final section of the study.

Another strategy involving positive inducements is that of constructive engagement. This involves engaging in a long-term relationship of open trade and dialogue with the target, usually aimed at improving its human rights practices and liberalizing its economy. Lavin notes six arguments in favour of constructive engagement:

- growth [through engagement] destabilizes the traditional order by creating "increased diversity - of occupation and status.... Neither highly centralized rule nor self-sufficient localism is any longer adequate; authority must be divided and shared in complex ways."

- prosperity creates a group that seeks greater political freedoms

- development ends isolation

- the government no longer holds a monopoly over socioeconomic mobility; desirable alternative career paths emerge

- economic activity dramatizes the benefits of mutual cooperation in other spheres

- this approach is more humane since it is likely to improve the day-to-day lives of people in the subject country.[50]

It is important that constructive engagement amounts to more than mere economic opportunism. It should seek to open up the target society, and should therefore emphasize dialogue with the regime, engagements at all levels of civil society, and the clear threat of sticks should the target not modify its behaviour in positive ways.

The chief danger of a strategy of constructive engagement is that it could make the 'senders' dependent on the target to such an extent that they would be *less* willing to impose sanctions of any sort than they were prior to the commencement of the engagement strategy. For this reason, engagement can actually have the effect of reducing leverage over the target. Furthermore, when some states start engaging with a potential target, it becomes almost impossible for any state to adopt an effective counter-strategy of isolation.

[50] Lavin, p.141.

IV. Collateral Damage

1. Humanitarian Consequences of Sanctions

a) Humanitarian impact

With the exception of sporting and cultural sanctions and carefully targetted flight bans and visa denials, almost all sanctions have the potential to cause or exacerbate humanitarian suffering. The specific humanitarian effects of sanctions - and their political implications - will of course depend largely on the nature of the sanctions and of the target state. However, it is possible to note some general patterns. First, not everyone in the target state will suffer equally, or in the same way, because of sanctions. Sanctions tend to cause the most harm to the most vulnerable segments of the population, as elites try to compensate for their own hardship and mitigate their political difficulties by extracting relatively greater amounts of resources from a shrinking pool.[51]

Some sectors of the target society are likely to benefit from sanctions, as they engage in black-marketeering. Depending on the structure of the target economy, even some law-abiding lower- or middle-class citizens may find themselves in a position to gain from the sanctions - or at least to insulate themselves more fully from their effects. For example, Iraq's considerable agricultural capacity has enabled many Iraqi farmers to benefit from reduced imports of food under the sanctions regime, even as urban dwellers have been forced to sell their belongings in the struggle to stay alive.[52]

It is also significant that the humanitarian consequences of sanctions manifest themselves in stages.[53] Immediately following the imposition of tightly-enforced comprehensive economic sanctions, the target economy is likely to experience a crisis resulting from a loss of export income. Unemployment and inflation (the latter driven by scarcity) combine to reduce the purchasing power of civilians, which forces many into debt and eventually deprivation. Even if the target regime is engaging in good faith efforts to ensure that its citizens are protected by social programmes, these efforts are likely to collapse under the strain of the sanctions. In the medium term, commodities such as fuel, spare parts for machinery, and agricultural fertilizers and pesticides are likely to become scarce. As a result, the industrial and agricultural sectors of the economy will experience varying degrees of dysfunction, ranging from inefficiency to complete collapse.

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[51] See Kim Richard Nossal, Raindancing: Sanctions in Canadian and Australian Foreign Policy. Toronto: University of Toronto Press, 1994.

[52] Kim Richard Nossal, personal interview.

[53] Eric Hoskins, A Study of UNICEF's Perspective on Sanctions: Consultant's Report. Unpublished paper, January, 1997. pp.7-10.

Despite the inclusion of humanitarian exemptions in UN-mandated sanctions programmes, economic embargoes have invariably had negative effects on the health of target civilians. As Hoskins notes, "[in] Haiti, essential drugs were often unavailable at public facilities. In Yugoslavia, it was estimated that the availability of medicines under sanctions declined by more than 50 percent. In Iraq, the shortfall of medicines was closer to 90 percent - and included antibiotics, anesthetics, X-ray films, intravenous fluids and surgical supplies."[54]

However, the health-related effects of sanctions extend far beyond those created by the unavailability of medications. According to Richard Garfield, "an economic embargo can affect health mainly through three mechanisms:

> 1. It can reduce the quality and quantity of goods available to satisfy an organism's need to eat, drink, and dispose of waste.
> 2. It can reduce the capacity of the public health system to maintain food, water, air, and medicines of adequate quality.
> 3. It can reduce the capacity of the system of curative medical care to respond to failures in #1 and #2 above."[55]

Children, of course, are particularly vulnerable to these effects, given their susceptibility to malnutrition and disease.

The humanitarian impact of sanctions may continue to be felt long after the sanctions themselves have been suspended. The difficulties associated with providing pre-natal care in a sanctions environment mean that sanctions can cause an increase in the number of low-birth-weight babies, which are more likely to have chronic health problems.[56] Stunting, a result of child malnutrition, also contributes to an increase in chronic health problems and a further strain on the target economy. The sanctions-related collapse of sanitation facilities can pollute sources of drinking water, and this pollution may pose a health hazard even after sanitation capabilities are restored. Needless to say, the long-term health effects of sanctions have grave implications for the broader socio-economic development of target states.

Sanctions can also cause long-term damage to the economy of the target in other ways, as well. George Lopez concludes that:

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[54] Ibid., p.8.

[55] Richard Garfield, "The Impact of Economic Sanctions on the Health of Women and Children," Columbia University, April 1996.

[56] Lopez and Cortright note that in Iraq, the percentage of underweight children rose from 7 percent in 1991 to 29 percent in 1995. "Economic Sanctions and Human Rights: Part of the Problem or Part of the Solution?" p.27.

> Economic development may be reversed or so retarded by economic coercion as to be irreversible. Sanctions can place a society in a state of permanent crisis due to displacement of labor (through migration) or changes in the mix of the factors of production. They can stimulate development of a parallel (or illegal) market for goods and concomitant corruption and criminality, producing vested interests in keeping various economic sectors of the country monopolies or oligopolies even in a postsanctions environment.[57]

It should be stressed that even *targetted* financial sanctions can have the effect of encouraging target states to engage in import substitution industrialization (ISI) programmes, thereby undermining both the sanctions and long-term efforts to integrate the state into the global economy. This can undercut carefully nurtured programmes aimed at changing the policies of the target through constructive engagement.[58]

The long-term economic effects of sanctions both reinforce and are reinforced by their social effects. For example, sanctions often force children to quit school in an effort to help their families to cope with economic deprivation. Many of these children do not return to school after the sanctions have ended, a fact which is likely to interrupt the process of social and economic development in the target. Through their combined effects on the systems of education, welfare, justice, and the economy, sanctions can contribute to structurally-entrenched criminalization of the target society.[59]

b) Political implications for senders

For instrumental reasons as well as intrinsic ones, it is vital that policymakers take note of the humanitarian consequences of sanctions. First, as we saw in our discussion of effectiveness, these consequences will undoubtedly influence the propensity of elements of the target society to either support or denounce the sanctions. Given that humanitarian suffering caused or compounded by sanctions can fuel nationalist sentiments which are likely to frustrate

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[57] Lopez *et al,* "Political Gain and Civilian Pain: The Humanitarian Impacts of Economic Sanctions." p.17.

[58] The 'ISI effect' can be seen in the case of Zimbabwe, and to a lesser extent, South Africa.

[59] While it is difficult to prove a direct causal link, it has been suggested that South Africa's experience with sanctions contributed to the militarization and criminalization of its society. Haiti and Yugoslavia also experienced increases in organized crime under sanctions, although it is difficult to assess how 'durable' this effect will be. Doxey notes that criminalization of society was also an outcome of sanctions against Serbia. (Personal communication.)

the goals of senders, this suffering should be minimized wherever possible.[60] On the other hand, if the opposition in the target state can credibly claim that the masses are willing to endure a certain degree of sanctions-related privation in order to achieve their goals, this should also be taken into account by senders.[61]

As we have seen, comprehensive economic sanctions are unlikely to be effective unless they have the support of the bulk of the target population. Considering this fact, it should be apparent that *the pursuit of effective sanctions and the minimization of humanitarian impact are not likely to be mutually exclusive goals.* Where sanctions directly or indirectly make it difficult for many people to survive, they are extremely unlikely to produce the effects which are sought, and should therefore be lifted or restructured.

Second, it is important to minimize humanitarian impact on a case-by-case basis because of the corrosive effect that it can have on multilateral cooperation among senders. In the longer term, moreover, the perception that sanctions are inhumane will undoubtedly inhibit the capacity of the UN system to fulfil its mandate. For as Stremlau notes, humanitarian concerns "have become rallying points for UN members who wish to limit the intrusiveness and scope of sanctions and for those who want to limit the powers of the Security Council."[62]

Finally, note that the humanitarian effects of sanctions may hold long-term implications for national and international peace and security, and global economic development and prosperity. Even after sanctions have been lifted, the aggrieved target society may continue to view the international community with suspicion. It may experience increased internal strife with possible transboundary consequences, partially as a result of the social and economic effects of the sanctions. It will almost certainly have a chilling effect on regional and global economic prosperity. Bluntly put, in most cases, it is difficult to expect a society which has been socio-economically damaged by sanctions to swiftly and easily reintegrate itself into the community of prosperous, peaceful states.

c) Sanctions and the practice of humanitarian relief

Sanctions can have a significant impact on the activities of local and international humanitarian organizations, as well as UN humanitarian agencies and member state-sponsored development programmes operating in the target. In turn, these organizations and their activities produce political effects which must be taken into account by member states during the design and execution phases of sanctions.

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[60] UNA-USA, "Words to Deeds," p.24.

[61] The classic example is South Africa, where the overwhelming majority of blacks supported the imposition and continuation of sanctions.

[62] Stremlau, p.2.

Humanitarians - and, by extension, the intended recipients of aid - are affected by the imposition of comprehensive economic sanctions in several ways. Economic embargoes can cause increased demand for aid, even as they limit the availability of relief supplies. This scarcity of resources may compel aid organizations to reconfigure their procurement strategies - for example, by purchasing food outside the state and transporting it over long distances - in ways that lead to less efficient use of funds. Embargoes, particularly if they are not accompanied by appropriate and efficient humanitarian exemptions procedures, can delay the arrival of relief supplies through legitimate channels. As a result, relief agencies are forced to purchase goods on the black market. They may have to smuggle goods into the target state, often paying bribes in order to do so. Bans on international and domestic flights also have the potential to lead to inefficiencies and delays in the deployment of aid.

Sanctions often alter the political environment within the target in ways which make it dangerous for humanitarians to conduct their duties. Target governments and paramilitaries may not appreciate or value the distinction between those members of the international community charged with the task of implementing a strategy of coercion, and those who are attempting to provide aid to civilian populations. While this type of hostility has the potential to affect all humanitarians, it presents special difficulties for members of UN relief agencies, who may be most closely identified with the sanctions.[63]

The political situation within the target also tends to transform aid resources into politically important commodities. If the target is torn by civil strife, one side may try to prevent aid from reaching other groups. The target regime may also seek to appropriate relief supplies and redirect them to its armed forces or other politically important constituencies. Finally, black-marketeers, bandits, and desperate civilians may steal relief supplies in order to sell or distribute them as they see fit. In an effort to thwart these tactics, primary relief organizations have sometimes altered their own practices. For example, in order to prevent aid recipients from being beaten and robbed of their food aid, some organizations have set up 'wet kitchens' which serve meals rather than distributing dry staple goods. Obviously, however, these makeshift strategies exact a cost in terms of efficiency.

As states have scaled back their own relief operations in recent years, relief organizations have been charged with greater responsibility for dealing with the effects of complex humanitarian emergencies. This has had some positive consequences: in many cases, humanitarian activities carried out by NGOs are more politically acceptable to the target regime than those carried out by states. However, this trend should be a source of concern for several reasons. First, NGOs lack the capacity to protect themselves and their beneficiaries from armed

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[63] While the imposition of sanctions can motivate the target to restrict access to its territory by humanitarian organizations, sanctions can also be used in an effort to improve this access. On 31 March 1998, the Security Council imposed an arms embargo on Yugoslavia. The Council stated that unimpeded humanitarian access to Kosovo is a necessary precondition for the lifting of the sanctions.

attack. Given the strategic importance of aid resources and the political importance of ensuring that sanctions-related suffering is minimized, it is imperative that states explore ways to protect relief missions.

Second, some of the tactics employed by these organizations - such as obtaining supplies on the black market - may in fact strengthen the targets of sanctions, who are then in a better position to oppress the recipients of aid and continue to pursue the policies which the sanctions are intended to overturn.[64] This is all the more problematic given that relief organizations have not demonstrated an aptitude for coordinating policy among themselves. These organizations differ in their mandates, their guiding principles, and their degree of professionalism. These differences can lead to duplication of services, inefficient allocation of resources, and even situations in which some aid organizations are working at cross-purposes to the political goals of senders. More accountability and better coordination among relief organizations is called for.

A related problem is that states and relief organizations have not coordinated their efforts in a manner that effectively reconciles their sometimes conflicting short-term goals. One of the obstacles to a more productive relationship between relief organizations and states has been a fundamental confusion among states regarding the mechanism by which sanctions are intended to work - what we termed the 'mode of transmission' in the preceding section. When senders assume that sanctions work by inflicting pain on the target populace, they logically conclude that the activities of humanitarians are in conflict with the goals of the sanctions. They are then less likely to see fit to provide protection and other assistance to aid organizations. However, as this study has demonstrated, the 'gain through pain' mode of transmission almost always fails. There is little to be gained from allowing the welfare of any non-belligerent segment of the target population to fall below subsistence levels. Responsibly-administered relief programmes are more likely to further the goals of senders than to frustrate those goals. While this view is gaining currency among policymakers, it is still in need of vigorous support at the Security Council level.

It is important that states view humanitarian organizations as potential partners in the quest for enduring security among humans and states, and that they take into account the effects of sanctions on this overarching goal. This means working with relief and development organizations to reduce the disruption of existing programmes, and to minimize the humanitarian effects of sanctions. It also requires states to accept the fact that sanctions, while perhaps not as costly as the use of force, are rarely cheap when executed in a responsible and effective manner.

It is obviously appropriate that the senders of sanctions should take the needs of humanitarians into account when designing and executing comprehensive economic sanctions. However, states must recognize that regardless of the *type* of sanction which they impose, the

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[64] For a discussion of these problems, see Enrico Augelli and Craig Murphy, "Lessons of Somalia for Future Multilateral Humanitarian Assistance Operations," Global Governance 1 (1995).

very *act* of sanctioning is likely to create problems for humanitarians. Security Council members should therefore seek the advice of members of the humanitarian community when planning, designing, executing, and monitoring all types of sanctions. Certain well-respected organizations such as the International Committee of the Red Cross, and Medecins Sans Frontieres, should have the ability to address the Council directly, whether their opinions are solicited or not. As a member of the Council, Canada should at all times ensure that the views of these organizations are considered by the full Council.

For their part, relief organizations must recognize that the means which they use to provide assistance to endangered civilians can conflict with the goals of the sanctions in ways which are counterproductive to the long-term goals of all concerned. Humanitarians must be willing to liaise with states, and some of them need to develop their information-gathering and policy-analysis capacities in order to facilitate this task. Aid groups must also be more willing to engage in efforts to coordinate a roughly consistent policy stance among themselves.

d) The Security Council and the politics of humanitarianism

If it wishes to respond seriously to the humanitarian implications of sanctions, the Security Council should undertake reform in four areas. First, it should establish a more specific list of generic humanitarian exemptions, which could then be adjusted to fit the particulars of each case. Second, it should reform the process by which humanitarian exemptions are administered. Third, on a case-by-case basis, it should request and review assessments of the potential and actual humanitarian consequences of sanctions. Finally, where sanctions have been imposed, it should commit itself to review periodically the humanitarian effects of those measures with a view to mitigating those effects.

As important as these reforms are, two facts need to be kept in mind. First, as we will see, there are daunting political obstacles standing in the way of meaningful reform. Second, notwithstanding any increase in the effectiveness of exemption procedures, the humanitarian effects of economic sanctions are likely to outstrip the capacity of the humanitarian community to provide assistance.[65] Simply put, comprehensive economic sanctions cannot be turned into a cheap, 'civilian-friendly' instrument of foreign policy.

i) The framing and administration of humanitarian exemptions

There currently exists no standardized procedure for framing and administering humanitarian exemptions to trade embargoes. The exemptions process is re-invented on an *ad hoc* basis with each new episode of sanctions, and in no case has it been implemented in a timely, proactive fashion. Resolutions imposing trade sanctions typically include vaguely stated

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[65] Lopez *et al*, "Political Gain and Civilian Pain: The Humanitarian Impacts of Economic Sanctions." p.35.

exemptions for medical supplies and foodstuffs intended for humanitarian use, but applications to import goods under these exemptions must be approved by the relevant sanctions committee.[66] This process has been widely criticized as slow and inconsistent, although there is broad agreement that it has become somewhat more efficient of late. In particular, progress has been made in adopting a 'blanket exemption' procedure for the ICRC and UNHCR. Nonetheless, there is considerable room for improvement.

UN officials from various departments continue to express frustration at being the "prisoners" of vague, politicized resolutions which are not amenable to practical application. This lack of explicit direction means that each sanctions committee must establish its own procedures for ensuring that the relevant resolutions are carried out. This creates inconsistencies between cases, and fails to take advantage of the lessons learned from previous sanctions episodes.

Sanctions committees also suffer from a lack of staff and resources, which makes them unable to deal with the thousands of applications for humanitarian exemptions which they receive in a given year. In an effort to cope with this situation, committees adopt procedures which emphasize speed and efficiency. However, given the lack of clear instructions from the Council, these efforts exacerbate the problem of inconsistency. It is within this context that committee members are sometimes able to privilege export applications from companies located within their own states. This practice compounds the general confusion about what is and is not allowed, it undermines the sense that sanctions are credible, and in so doing, it can impair the effectiveness of the sanctions themselves.

Addressing these problems will require five reforms. First, the Security Council must create a generic list of explicitly defined humanitarian goods. As officials involved with implementing the sanctions against the Federal Republic of Yugoslavia have recommended, exempted goods should be identified using internationally recognized tariff code numbers.[67] This list should be incorporated into any resolution invoking trade sanctions. In instances where Council members deem that a certain exempted commodity would reduce the effectiveness of the sanctions, they may choose to delete it from the list. By improving the clarity of the exemptions procedures, this proposal should aid in the timely provision of humanitarian supplies.

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[66] In each episode of UN Security Council-mandated sanctions, the implementation of the resolution is overseen by a "sanctions committee;" consisting of a representative from each of the fifteen Council member-states and several staff from the sanctions branch of the UN Department of Political Affairs.

[67] European Commission Directorate General XXI: SAMCOMM. Paper on "Delivery ... of Humanitarian Goods," presented to the OSCE Round Table on Sanctions, Copenhagen, June 1996. Cited in Doxey, United Nations Sanctions: Current Policy Issues, p.19.

Second, the sanctions committees should adopt a decentralized, streamlined process of approving exemptions. This would involve the publication of 'reference lists' of exempted and prohibited commodities. Importers would register their shipments with a monitoring station on the border of the target state, and inspectors would verify the content of the shipment and accompany it to its destination. The combination of decentralization, on-site monitoring, and explicit reference lists would free the sanctions committee to deal only with questionable or borderline applications for exemptions.

Third, the Council should ensure that the sanctions committees are provided with enough staff and resources to discharge their responsibilities in a timely and effective manner. Similarly, where the Council charges a regional organization with the responsibility of administering the exemptions programme, it should ensure that the organization has the resources, administrative competence, and political will necessary to establish and effectively maintain the programme.[68]

Fourth, the Council must ensure that the deliberations of sanctions committees are more transparent. This could be accomplished by relatively simple procedures involving the wider circulation of documents among committee members, particularly those documents pertaining to the approval or denial of exemptions.

Finally, there is a need for enhanced communication between the sanctions committees and member states regarding the content and procedures of humanitarian exemptions. Many states are reluctant to enforce sanctions because of the commercial and administrative costs of doing so. These states are often less than conscientious in screening applications from native corporations before sending them on to the relevant sanctions committee. Other states lack the administrative apparatus to deal effectively with the exemptions procedures. Still others are simply confused by the vagaries of the process.[69] Many of these problems could be mitigated through the introduction of more consistent, explicit guidelines, communicated in a timely and careful manner.

ii) Humanitarian assessment and review

It is important that the Security Council be provided with objective assessments of the potential and actual consequences of sanctions. This information is useful for several reasons.

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[68] The importance of this point has been highlighted by the recent experience with ECOWAS in administering the exemptions procedure for sanctions against Sierra Leone. See Claude Bruderlein, Inter-Agency Assessment Mission to Sierra Leone: Interim Report. New York: United Nations Office for the Coordination of Humanitarian Affairs, 10 February 1998.

[69] Some Canadian officials have expressed frustration at the lack of clarity of the exemptions procedures, and at a chain of communication which sometimes breaks, leaving them unaware of new developments in sanctions regimes.

First, pre-assessments can aid the Council in designing sanctions that are likely to be effective and humane. The more such assessments are carried out, the better they will be able to predict the effects of future sanctions. Second, the act of pre-assessment can serve as a politically useful threat, warning the target that its policies may lead to the imposition of sanctions. The down-side to this is that a government firmly committed to its objectionable policies can take advantage of such a warning to prepare for the imposition of sanctions. Third, objective assessments make it more difficult for extremist critics of sanctions - both within and outside the target - to use spurious data in an effort to undermine specific measures, or the institution of sanctions in general. Fourth, assessments are useful to aid practitioners seeking to allocate humanitarian assistance efficiently and expediently. Finally, ongoing assessments can allow the Security Council to adjust or lift the sanctions in an effort to increase their effectiveness and sensitivity to humanitarian needs.

Given that assessments have broad political implications, it is both vital and exceedingly difficult to develop assessment procedures that are widely accepted, reliable, unbiased, and applied consistently across cases. In sanctions environments, reliable information is sometimes difficult to obtain because of the political manipulation of data, the lack of baseline numbers, the rapidly changing nature of the situation, and the lack of an administrative infrastructure capable of collecting relevant information. Comprehensive pre-assessments are confounded by the lack of available data, and the inherent uncertainty about the shape of the sanctions, the reaction of the target regime and society, and the vicissitudes of micro- and macro-economics. Once completed, assessments are fundamentally contestable because of the difficulty of disaggregating the effects of the sanctions from those of other factors such as government policies, civil war, and infectious diseases. Finally, it is very difficult to find people to conduct the assessments who are viewed as credible by all parties concerned.

Despite these challenges, it is both possible and necessary to carry out useful assessment missions which serve all of the purposes outlined above. Currently, the Security Council receives reports - but only at its explicit request - prepared by the Office for the Coordination of Humanitarian Affairs (OCHA).[70] OCHA staffers note that methodological recommendations offered by Minear *et al* have led to a marked increase in the quality of their assessments. OCHA can now conduct a typical assessment mission and issue an interim report in roughly three weeks, depending on conditions in the target.

OCHA's recent humanitarian impact assessments do an admirable job of depicting the humanitarian challenges that exist on the ground at the time of the mission, and of suggesting concrete measures to improve the situation. However, due to time constraints, a narrow mandate, and a lack of resources, these reports do not include analysis from political scientists,

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[70] Formerly the Department of Humanitarian Affairs, or DHA. For examples of these reports, see Bruderlein, *op. cit.*, fn. 64, and Bruderlein and Peter Erhardy, DHA Report on Regional Sanctions Against Burundi, New York: United Nations Department of Humanitarian Affairs, December 1997.

economists, and area experts. They therefore provide a less satisfactory foundation for holistic reviews of sanctions that might be used for long-range strategic and humanitarian planning. They are also ill-suited to serve as models for systematic pre-assessments and re-assessments in future cases.

In addition to requesting quick humanitarian impact assessments, the Security Council should therefore make it a priority to undertake more comprehensive reviews of ongoing sanctions episodes. It should solicit opinions from a wide range of experts, both in the target and from the international academic, NGO, and policy communities. These reports should be assembled under the auspices of OCHA, which is developing a reputation for providing relatively objective data.

It is also important that Council members act individually and collectively to instigate quiet, informal pre-assessments of possible target states as soon as they realize that a crisis has the potential to take shape. This is vital because, in a crisis situation, the need for a swift international response can make it impossible for the Council to request and wait for a formal pre-assessment prior to imposing sanctions. In order to accomplish this task, greater cooperation is required in the sharing of intelligence data.[71]

Above all, however, the Council needs to demand pre-assessments and assessments of ongoing sanctions as a matter of course. To this point, it has not done so. OCHA is powerless to conduct assessments without an explicit request from the Council, and frustrated OCHA staffers have pointed out that practice would enable them to do their job more efficiently and effectively.

Furthermore, the Council must take the results of these assessments seriously. It would do well to establish a formal review mechanism, in which the humanitarian impact of sanctions would be periodically discussed, assessment reports presented, and testimony heard from a variety of state and non-state actors. There should be a realistic chance for sanctions to be adjusted in light of information about their humanitarian consequences. While this sort of action will sometimes be politically unfeasible given the requirement of consensus among the P-5, the Council should not have the option to completely ignore evidence of human suffering - stemming partly from its policies - at its discretion.

iii) Obstacles to reform

Despite the increased rhetorical attention which the Council has recently given to humanitarian concerns, political obstacles continue to undercut efforts to manage sanctions in a more humane manner. Some P-5 members are resistant to a more clear and transparent exemptions process for political reasons. Others are unwilling to reform the process because the

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[71] These ideas are given a more thorough treatment in the section on administrative reforms.

existing procedures give them a degree of latitude to allow their own commercial interests to engage in questionable forms of commerce with the targets of sanctions. To the extent that the exemptions process becomes open and the regulations governing exemptions clearly defined, this latitude would undoubtedly shrink.

Furthermore, some P-5 members wish to avoid any sort of reform which would enhance the overall credibility and effectiveness of the UN's enforcement procedures. This is particularly distasteful to states which resent the UN's perceived encroachment on what they regard as affairs 'essentially within the domestic jurisdiction of sovereign states,' such as human rights issues.

The Council has also found it convenient to avoid the public embarrassment and political friction which might arise if it were forced to acknowledge some of the potential or actual consequences of its policies. This has increased its reluctance to demand certain information - such as assessments of the consequences of sanctions, and the opinions of relief organizations - as a matter of routine.

In general, the P-5 have been reluctant to rationalize the framing and administration of the humanitarian exemptions process because they fear that to do so would rob them of their discretionary power over the specific form of sanctions *vis à vis* a given target. Part of this fear stems from a fundamental confusion - noted throughout this study - about how sanctions are supposed to work. U.S. sanctions policy, in particular, has historically been tied to the idea that the infliction of brute economic force is most likely to yield optimal political returns. To the degree that the U.S. yields power over humanitarian exemptions to a set of specific criteria, it might be less able to ensure that the actions of other member states are consistent with this 'brute force' philosophy.[72]

In order to facilitate the reforms outlined above, Council members should be encouraged to develop humanitarian principles which would apply to all future sanctions regimes. These principles would delineate the point at which the adverse impact of sanctions on civilians becomes a humanitarian emergency, and outline how such emergencies should be addressed by states and non-state actors.[73] Given the lack of practical attention which the P-5 have given to humanitarian issues in connection with Council decisions, this task - as well as the application of such principles to actual situations - is likely to go unaddressed unless it is taken up by non-permanent Council members. Furthermore, in light of the obstacles to change noted above, such efforts are unlikely to yield easily institutional reforms which compel the Council to consider humanitarian issues and address them automatically. Nonetheless, they may help to create the

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[72] It should be noted that the State Department has recently undertaken a review of its sanctions philosophy, and it may now be more sympathetic to more nuanced approaches.

[73] This approach is advocated by Lopez *et al* in "Political Gain and Civilian Pain: The Humanitarian Impacts of Economic Sanctions." p.10.

sense that it is both possible and appropriate for the Council to do more than it has in the past to address the humanitarian consequences of sanctions.

2. Compensating third states: The problem of Article 50

As we noted in our discussion of multilateral cooperation, the costs associated with sanctions can be quite high for senders and other non-target states. Realizing this, the framers of the UN Charter stipulated in Article 50 that states experiencing "special economic problems" as a result of Security Council-mandated preventive or enforcement measures "shall have the right to consult the Security Council with regard to a solution of those problems."

In practice, the Article 50 procedure has proven ineffectual. The right to "consult" the Council does not entail the right to be compensated, and indeed, the Council has not seen fit to take on this more onerous task. Compensation for third states has been dealt with in an informal, *ad hoc* manner, with the effect that only strategically important states are compensated, and even then, only some of the time.[74]

Despite calls from developing states and from former Secretary General Boutros Boutros-Ghali,[75] little progress has been made in strengthening either the procedures of consultation under Article 50, or in addressing the matter of compensation in more substantive ways. Developed states, and particularly the P-5, have strongly resisted efforts toward this end. Stremlau notes: "the major Western powers objected ... on the grounds that [strengthened Article 50 procedures] would restrict the freedom of the Security Council to act and would be too expensive for them."[76]

The problem of Article 50 will continue to present an obstacle to efforts to create effective multilateral sanctions regimes. While states experiencing special economic problems are unlikely to publicly refuse to enforce the sanctions (this would lead to problems of an entirely different sort), they are less likely in fact to vigorously enforce sanctions resolutions. The Article 50 debate has also heightened the sense among developing states that they are at the mercy of the Security Council. This sense of division can only harm the pursuit of the UN's goals.

Charter reform of Article 50 is a political non-starter. Nonetheless, the Council can and should be made to take note of the legitimate claims of those states which are suffering (or appear likely to suffer) significant humanitarian effects as a result of sanctions. Once again, non-

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[74] See the case of Iraq for a clear illustration of this dynamic.

[75] Boutros Boutros-Ghali, An Agenda for Peace. Second Edition. New York: United Nations, 1995. pp.25-28.

[76] Stremlau, section 4.

permanent members of the Council are likely to be instrumental in this regard. Furthermore, the humanitarian assessment mechanisms applied to target states could might also be applied to third states, at the discretion of the Council.

V. Administering and Enforcing UN Sanctions

There have been numerous surveys of the administrative deficiencies of United Nations sanctions, and numerous suggestions regarding how to address these problems.[77] To this point, little progress has been made toward this end. In addition to the political obstacles to reform noted at the end of the preceding section, there are two main reasons why reform has been elusive. First, many of the proposed measures are costly in terms of human and fiscal resources. While some reforms are purely procedural, these must be supplemented by more cost-intensive efforts at monitoring and enforcement if they are to yield substantive gains in effectiveness.

Second, as several sources indicated in off-the-record interviews, there is likely to be little enthusiasm for reform efforts until the sanctions against Iraq have been lifted. The duration, cost, perceived ineffectiveness, and humanitarian consequences of these measures have led to endemic cynicism about sanctions in general. And yet, despite the widespread knowledge that bold reforms are needed, it seems unlikely that the P-5, in particular, will support reform efforts until the Iraq experience has passed into history.

Despite the lack of appetite for wholesale institutional changes, there are several process reforms which can and should be implemented in the interim. This section surveys a wide variety of proposed reforms, and places special emphasis on those which seem most likely to garner support in the short- and medium-terms.

1. Strategic planning

Sanctions, like military force, require strategic planning and flexibility if they are to succeed. Unlike military force, however, most types of sanctions will not be effective unless they are implemented consistently by a coherent multilateral coalition. This presents daunting problems of strategic planning; problems which are only complicated by the inevitable demands of political compromise. Ideally, then, strategic input into sanctions policy would be formulated by a unit of the UN secretariat, which would draw upon the intelligence resources of member states, and the expertise of diplomats, academics, and NGOs from around the world. Unfortunately, this is not a viable option because of cost concerns, a fashionable distaste for 'big' bureaucracy, and a general lack of political will. In any event, such an arrangement would also be inadvisable, because it would (presumably) be called into action only by a request from the Security Council, which - as a political body - tends not to call for potentially controversial Secretariat advice in a proactive fashion.

Informal means of strategic planning will require foresight and political will on the part of member states. Ad hoc arrangements involving hastily assembled collections of diplomats and

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[77] E.g. Stremlau, section five, and Doxey, United Nations Sanctions: Current Policy Issues.

experts are not likely to be of much use in providing carefully considered sanctions strategies in a timely manner. Middle-power states including Canada should contribute to the creation of a permanent sanctions strategy unit under the auspices of an existing institute for preventive diplomacy. Such a team would benefit from a more stable personnel roster, cumulative institutional memory, shared intelligence resources, a politically low profile relative to the UN secretariat, and the ability to liaise both with governments and secretariat personnel.

The proposed sanctions strategy unit would gather information from a variety of sources - and for a variety of purposes - noted throughout this study. Its most obvious purpose would be to monitor potential crisis spots, formulate appropriate sanctions strategies, and relay this information to member states. These states, ideally, would use this information to influence Security Council debate once the Council decided to become seized of the matter in question. In addition to providing information on the most effective strategies, the unit could also engage in preassessments of the humanitarian consequences of sanctions. Once sanctions were implemented, the strategy unit would continue to provide policy analysis to member states and to the secretariat. The holistic, long-term perspective offered by the unit would complement - rather than duplicate or compete with - the more temporal analyses undertaken by OCHA, for example.

Regardless of who performs strategic analyses related to sanctions, they must incorporate information from a wide variety of sources. A thorough understanding of the target economy will require the cooperation of officials from the World Bank and IMF - cooperation which has been lacking to this point. Given the increased prominence of financial sanctions, strategic analyses will require the input of a variety of experts from different fields. As Stremlau notes, the UN's current "capacity to comprehend and deal with financial sanctions is much weaker than with commodity sanctions because financial measures are legally and technologically much more complex."[78] In addition to their technological and legal complexity, however, the planning of financial sanctions requires access to highly sensitive information regarding asset ownership and transactions. For this reason, the specific targets of financial sanctions must be identified by states themselves, working closely with those in the banking industry.

Finally, it is important for the international community to build upon the lessons of past sanctions episodes. It would be especially helpful to engage in more exercises on the model of the Copenhagen Round Table on the United Nations Sanctions in the Case of the Former Yugoslavia.[79] These exercises help to preserve institutional memory, and to increase our capacity to engage in strategic planning for future situations.

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[78] Stremlau, section five.

[79] See UN Security Council document S/1996/776, Annex: "Report of the Copenhagen Round Table on the United Nations Sanctions in the Case of the Former Yugoslavia, held at Copenhagen on 24 and 25 June 1996."

2. Enhancing national-level capacity

Sanctions must ultimately be implemented and enforced by the member states of the sanctioning body. As was previously noted, states differ in their willingness and ability to perform these tasks. Some states lack the clear legislative and executive procedures which would enable the efficient implementation of UN-mandated sanctions. Doxey notes that a proposal has been made to elicit general information from states about their sanctions procedures.[80] As a low-cost precursor to more constructive action, this proposal should certainly be followed up.

States must also do a better job of providing the secretariat with information about their concrete efforts to carry out specific sanctions. Currently, only a small number of states provide purportedly full disclosures of their efforts in this area. Many countries find these reporting requirements irritating and presumptuous, and admit that there is not much that they can do to prevent their exporters from trying to circumvent trade sanctions. While this criticism points to the paramount significance of enforcement at the border of a target state, it also indicates a lack of appreciation among member states for the role which the UN secretariat plays in coordinating sanctions efforts.

The Security Council must recognize that it, too, will have to make an effort in order to enhance states' capacities to carry out sanctions. Promising ideas include the development of model sanctions legislation for member states, and careful attention to the crafting of clear, explicit resolutions which address, rather than evade, issues which states find ambiguous (e.g. what constitutes a legitimate humanitarian exemption.) These reforms would give states a better idea of what is expected of them when they are asked to implement sanctions.

As this study has made clear, however, procedural changes can only marginally increase the likelihood that states will cooperate fully in the implementation and enforcement of sanctions. Given that states are usually not willing to censure or punish other states for their failure to enforce collective measures, the best ways to elicit cooperation are: to ensure that the sanctions are viewed as fair, humane, and potentially effective; to monitor implementation through the use of UN ground personnel in states bordering the target; to publicize violations in the media; and to ensure that the substantive concerns of third states affected by sanctions are addressed in meaningful ways.

3. Monitoring and enforcement

Where states are unable or unwilling to effectively enforce sanctions against a neighbour, the international community must provide assistance. The most noteworthy and effective example of this was in the case of the former Yugoslavia, in which UN sanctions assistance missions

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[80] Doxey, United Nations Sanctions: Current Policy Issues. pp.28-29.

(SAMs) were despatched to Albania, Bulgaria, Croatia, Hungary, Romania, Ukraine, and the Former Yugoslav Republic of Macedonia (FYROM). The SAMs were responsible for working with local customs officials to interdict illegal cross-border trade, and by all accounts, they were remarkably successful. Their success was due in large part to the further innovation of a sanctions assistance mission communications centre, or SAMCOMM. Using advanced communications equipment, SAMCOMM was able to notify all concerned parties of suspected illegal activity, and to facilitate the passage of legal commerce through checkpoints.

The SAM/SAMCOMM system could be replicated in other contexts. It is, however, very cost- and labour-intensive, and depends on the willingness of member states and (preferably) regional organizations to assist in coordinating and supplying the operation. Where regional organizations lack the resources to do so, this system will demand more creative innovations on the part of the international community. Stremlau argues that "the Yugoslav case, by demomstrating the level of effort required for a credible and reasonably effective sanctions regime, will likely reinforce the reluctance of Security Council members to push for future Chapter VII collective actions."[81]

Three more points must be made about monitoring and enforcement. First, as previously noted, the increased prominence of financial sanctions will require new means of sanctions monitoring and enforcement. This will require the advice of forensic accountants, bankers, and computer experts. It will also demand a much broader scope of multilateral cooperation, given the ease with which these sanctions can be circumvented if even one sender defects from the coalition.

Second, although trade embargoes seem to have fallen out of favour, issues of physical monitoring and enforcement are still pertinent to the effective use of arms embargoes. These have been particularly porous in the past; the arms embargoes against Somalia, Rwanda, Liberia, and Angola (UNITA) have been described by one UN official as "atrophic." Unfortunately, the less comprehensive a sanctions regime is, the less incentive there is for states to bear the costs of a large-scale SAM/SAMCOMM type of operation. Sophisticated methods of satellite reconnaissance and intelligence operations are helpful in this context, but there is no substitute for ground-level interdiction of arms.

Finally, it is important for sanctions committees to take advantage of whatever reliable intelligence they can gather regarding violations, regardless of its source. In many cases, the media have played an important role in identifying and bringing to light suspected violations of sanctions. This is all the more significant given that states do not typically like to embarrass one another in this manner. Because of vague and haphazard sanctions committee regulations, however, there have been occasions where media-identified violations were ignored. In Yugoslavia, members of the UN secretariat were allowed to bring news reports of violations to the attention of the sanctions committee. In Iraq, however, committee regulations decreed that

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[81] Stremlau, section five.

only states - not members of the secretariat - could report suspected violations. This should not be allowed to happen again.

4. Coordination and communication

Multilateral sanctions programmes are extremely complex, multi-level bureaucratic operations. Obviously, their successful execution depends on coordination and communication among and between levels. The aforementioned SAM/SAMCOMM mission made great strides in this regard, partly because of its use of computers and satellite communications, partly because it utilized existing bureaucratic apparatus wherever appropriate (e.g. the EU customs office), and not least because of the presence of effective liaisons between SAMs and their host governments, the Yugoslavia sanctions committee, the UN secretariat, and the Security Council members.

However, coordination means more than just having enough of the right people talking to one another on the right equipment. It also entails a clear division of powers and responsibilities between levels. The Security Council must clearly define what level of bureaucracy is responsible for which tasks, it must route Article 50 applications to the appropriate forum, and it must be willing to serve as the court of last resort regarding humanitarian exemptions.[82] It must clearly define the responsibilities of relevant regional organizations, and assess realistically their competence to perform those tasks. Finally, in matters where the meaning of a resolution is in need of clarification, the Council must either accept the role of final arbiter, or clearly elucidate the procedures by which the sanctions committee is to make such judgements.

5. The politics of reform

The proposals for administrative reform explored in this section will require the initiative of several states if they are to be implemented. However, many of them could be successfully pushed through without exorbitant cost, and without concrete support from states which oppose the strengthening of the UN system. Stremlau argues that states such as Canada, Australia, the Netherlands, Norway, and Sweden "enjoy several comparative advantages for exploring options and promoting actions to strengthen the UN's sanctions infrastructure." In particular, these states have demonstrated a deep and enduring commitment to the UN, they have a high degree of credibility as a result of their ongoing material and financial support for the institution, they are not seen as 'arrogant' great powers, and they have a wealth of diplomatic experience and

[82] Doxey, United Nations Sanctions: Current Policy Issues. p.34.

resources.[83] Stremlau therefore suggests that these middle powers establish a 'collective measures committee' aimed at exploring options for sanctions reform and building support for the implementation of these reforms. The experience with the recent landmines treaty suggests that the effectiveness of such a 'sanctions forum' would be greatly enhanced by the active involvement of NGOs and other elements of civil society.

This study has demonstrated that there is little appetite among the P-5 for meaningful reform of sanctions policy and administration. Absent such political will, the idea of a sanctions forum takes on even greater urgency. Such a forum would have the ability to place sanctions in a prominent place on the international agenda, irrespective of the wishes of the P-5. As a member of both the Security Council and the proposed forum, Canada could play a vital role in changing the way the world thinks about sanctions, and the manner in which these measures are employed and administered by the UN and its member states. Displacing entrenched attitudes and practices will not be easy in these times of fiscal restraint and increasing great power dissensus, but the circumstances are unlikely to become more auspicious in the foreseeable future. As we have seen, the practice of sanctions is currently being transformed by a confluence of technological, economic, and political forces. In the absence of a concerted effort by states, NGOs, and corporations, this transformation will inevitably privilege concerns of efficiency and political expediency over those of effectiveness and humanity.

[83] Stremlau, section 5.

Department of Foreign Affairs and International Trade

Proceedings of the Seminar on United Nations Security Council Sanctions

Held at DFAIT headquarters, Ottawa, 17 July, 1998

Rapporteur: Barry Burciul

The roundtable was held at DFAIT headquarters on 17 July, 1998. **David Malone** (DG, Global and Human Issues, DFAIT) and **Nasreen Bhimani** (Canadian Centre for Foreign Policy Development) welcomed the participants to this opportunity to contribute to the development of Canada's policy regarding United Nations sanctions. Mr. Malone situated the discussion within the context of Canada's campaign for UN Security Council membership, and expressed the hope that the roundtable would further Canada's efforts to bring a distinctive, pro-active approach to the Council.

Prof. David Black (Dalhousie University) opened the first session with a summary of the background paper, "United Nations Sanctions: Policy Options for Canada," prepared by **Barry Burciul** (University of Toronto). Prof. Black drew attention to the challenge of crafting sanctions which are guided by concerns of effectiveness and humanitarian impact, rather than a desire on the part of governments to "do something." He cited the "amateurish" nature of past sanctions regimes as evidence of the urgent need for reform, while noting the daunting obstacles to reform that were discussed in the background paper.

Prof. Black observed that the context of sanctions is changing in three ways. First, while UN Security Council sanctions are becoming more popular, their effectiveness has been impaired by the difficulty of achieving a broad-based coalition around strong measures. Secondly, the Council has begun to "download" responsibility for the administration of sanctions (and the amelioration of their negative effects) to regional organizations and NGOs. Finally, the experience with sanctions against Iraq has cast a pall over efforts to reform the broader practice of sanctions.

Prof. Black then highlighted several themes raised in the background paper which, he said, deserved the attention of the participants. These themes were: the prevailing pessimism surrounding comprehensive economic sanctions and the attendant enthusiasm for targetted sanctions, the symbolic importance of sanctions, the lack of evidence that sanctions are effective as direct coercive measures, the idea that force is sometimes both more effective and more humane than sanctions, and the importance of mitigating the humanitarian impact of sanctions for instrumental (as well as ethical) reasons. Prof. Black concluded by outlining several areas in which reform efforts might profitably be undertaken: enhancing coordination and communication among actors responsible for planning and administering sanctions, promoting pre- and re-assessment of the political and humanitarian effects of sanctions, streamlining the process for approving humanitarian exemptions to trade embargoes, and encouraging national-level legal and administrative reforms aimed at helping states to impose sanctions more quickly and reliably.

Prof. Margaret Doxey (Trent University) then outlined the changing nature of UN Security Council sanctions. She noted that the post-Cold War Security Council is characterized by increased cooperation and backroom dealing, particularly among the P-5. Moreover, the Council has demonstrated an increased willingness to apply sanctions to a wide variety of "threats to the peace" under Chapter VII of the UN Charter. Prof. Doxey also noted the de-emphasis of comprehensive economic sanctions in favour of targetted measures, and cited the development of Sanctions Assistance Missions (SAMs) in Yugoslavia as a key institutional development.

She then identified four "new concerns" which are germane to the debate about sanctions reform. First, state and non-state actors have become more concerned with the humanitarian impact of sanctions. Second, there has been growing interest in fine-tuning targetted sanctions so that they produce concrete effects on target elites. Third, UN sanctions committees have come under criticism because of their secrecy, inexpediency, and the amount of work which they produce for non-permanent Council members. Fourth, non-permanent members of the Council have become increasingly restive concerning the dominance of the P-5 over issues pertaining to sanctions. That notwithstanding, Prof. Doxey stressed that reform efforts must have the approval of the P-5, and must address the fundamental problems of a lack of funding and personnel at the UN level.

The floor was then opened for a general discussion of sanctions. Picking up on the themes of legitimacy and resources, **David Malone** noted that the UN Security Council does not have a monopoly on the "legitimate" imposition of sanctions: organizations such as the Commonwealth can be viewed as legitimate under certain circumstances. Furthermore, he noted, regional organizations have a valuable role to play in monitoring sanctions.

Prof. Richard Garfield (Columbia University) argued that, obstacles to reform notwithstanding, the current period favours attempts to establish general principles guiding the imposition of sanctions. **Errol Mendez** (Ottawa University) agreed, but urged participants to adopt a broader perspective, by seeking to develop principles of crisis management and pre-emptive peacebuilding.

Carolyn McAskie (VP Multilateral Programs CIDA) asked how we ought to define "success" in the context of discussions about sanctions. **Prof. Doxey**, while noting the

contribution made by sanctions in South Africa and Serbia, argued that sanctions alone are rarely successful in bringing about policy change. However, in that they are often imposed by governments desperate to "do something," sanctions are almost always successful - in that narrow sense - simply by virtue of their existence. She also suggested that sanctions are rarely designed and implemented in a manner consistent with the task of bringing about *reform* in the target state; rhetoric notwithstanding, sanctions are seen as blunt instruments of direct *control*.

David Malone concurred with the idea that sanctions are often imposed for domestic political reasons. He noted that, while Canadians are typically against the use of military force as an instrument of statecraft, they tend to support the long-term use of sanctions despite the considerable humanitarian impact which such measures entail.

Patrick Martin (Globe and Mail) pointed out that the United States currently has sanctions in effect against 73 states; a fact which serves to discredit even UN-sponsored sanctions. While it might therefore be advisable to temper the use of sanctions, Mr. Martin cautioned that this would be difficult, given their obvious popularity among domestic audiences.

Eric Hoskins (MINA) argued that this appetite for sanctions makes it all the more imperative that we formulate a regime of rules governing the administration of sanctions. Such a regime should encourage actors to weigh the relative costs and benefits of sanctions, paying special attention to their humanitarian implications. While he agreed in principle with these aims, **David Malone** pointed out that the P-5 are loath to restrict their autonomy to impose and to maintain draconian sanctions on an *ad hoc* basis. As a result, the construction of such a regime would necessarily be a piecemeal, evolutionary process. Nonetheless, **Andras Vamos-Goldman** (PRMNY) noted that the elected members of the UNSC could have considerable influence over

the course of sanctions, given that they - and not the P-5 - serve as chairs of the various sanctions committees.

David Malone then criticized the Security Council for failing to design sanctions with a view to the type of regime it is attempting to influence. In particular, he argued, the Council members tend not to distinguish between states in which public opinion may serve to change policy, and those in which the voice of the people is viewed by the regime as irrelevant. **Nigel Fisher** (Canadian Centre for Foreign Policy Development) agreed, arguing that states have rarely tried to integrate sanctions into a comprehensive diplomatic strategy. Toward this end, **Prof. Doxey** suggested that it would be desirable to assess the likely political and humanitarian effects of sanctions before imposing them. This information, she suggested, would allow policy-makers to approach the design of sanctions strategically.

The discussion then proceeded to consider a number of points about the mechanics of sanctions. **Douglas Forsythe** (Legal Adviser, DFAIT) noted that, in cases involving financial sanctions, the need to conduct pre-assessments is complicated by the need to impose sanctions quickly, in order to prevent targets from anticipating and evading measures such as assets freezes. **Carolyn McAskie** highlighted the importance of physically monitoring embargoes (particularly arms embargoes) to ensure that they remain as leak-proof as possible. This requires working in concert with significant trading partners of the target state.

The next session dealt with the humanitarian impact of sanctions. **Don Hubert** (Human Rights Division - DFAIT) provided an overview of the issues involved. He noted that there is considerable opposition to comprehensive economic sanctions among members of the international humanitarian community. Such sanctions produce disproportionately severe effects

on the most vulnerable target populations, including women and children. Furthermore, they often produce permanent effects - such as impaired physical and mental development due to malnutrition - which cannot be reversed following the lifting of sanctions. Mr. Hubert called into question the idea that sanctions-related civilian pain produces political gain. Indeed, he argued, civilian pain is often exploited by the target regime in an effort to foster resentment toward the international community. With regard to humanitarian exemptions, Mr. Hubert advocated the adoption of blanket exemptions which would allow humanitarian organizations to bypass the normal approval process.

Mr. Hubert also pointed out that the NGO community, which once favoured sanctions as a constructive alternative to the use of force, has now largely reversed this position. **Carolyn McAskie** picked up on this theme, noting that there is very little that a target can do to evade the use of force. She agreed that the public should be challenged to revisit the notion that sanctions are not necessarily harmful, while force is inherently so. **Patrick Wittmann** (IMO) agreed. He also pointed out that sanctions which inflict significant collateral damage often risk undermining the humanitarian norms they are intended to uphold.

David Malone observed that one of the challenges of sanctions is to turn the target regime into an international pariah while avoiding measures which would impact adversely on civilians. **Prof. Black** suggested that in order to do this, we need to convey the message to states and to our own domestic audiences that cultural and sporting sanctions, given their often considerable psychological effects on the target - are not necessarily "soft options." Less promisingly, Prof. Black also noted that it is becoming difficult for the UN Security Council to

"construct" a pariah in the eyes of other states, given that so many of these states view the Council itself as fundamentally unrepresentative and illegitimate.

Eric Hoskins argued that Canada, if elected to the Council, must force that body to acknowledge the inevitable humanitarian consequences of its actions. He strongly advocated efforts to promote a "standing list" of humanitarian exemptions to trade embargoes, and to undertake humanitarian preassessments as a matter of course. **David Malone** agreed, noting also that it is important to institutionalize the provision of information to the Council in order to prevent Council members from choosing to ignore unpalatable facts.

Carolyn McAskie cited the case of Rwanda as an instance in which humanitarian information did not reach the Council. She noted that in the case of Zaire, however, Canada was successful in getting UN military and political planners to heed the advice of humanitarian agencies. She argued that similar efforts must be undertaken in the future if the Council is to appreciate the need for the reforms advocated by Mr. Hoskins and others.

The discussion then turned to the topic of humanitarian exemptions. **Ms. McAskie** suggested that Canada advocate the creation of lists of exempted items, and of institutions deemed competent to import those items. **Eric Hoskins** pointed out that humanitarian agencies alone do not have the capacity to alleviate all of the suffering in a target state, and that they resent having this responsibility implicitly downloaded upon them. He also noted that the WHO and the Working Group on the Agenda for Peace have both advocated item-based exemption schedules.

Prof. Doxey cautioned that while the exemptions process does indeed need to be streamlined, the main problems are simply a lack of humanitarian aid, and an unwillingness to

ensure that aid supplies reach their intended recipients. **Nigel Fisher** echoed these concerns, noting that humanitarian agencies require capacity and access if they are to perform the tasks which states expect of them.

Following a break for lunch, participants were asked to consider the recent nuclear tests by India and Pakistan as a test case for the imposition of UNSC sanctions. **Andras Vamos-Goldman** began the session by providing an overview of the diplomatic events which followed the Indian test. His account emphasized the political cleavages between those advocating a strong response, and those who were unwilling to take a hard-line against India for political reasons.

Mr. Vamos-Goldman also outlined a series of general conditions which would enable Canada to take the lead role in responding to a similar situation, should one arise during our term on the Council. First, he argued, Canada would require timely political and military intelligence and high-level connections to the parties involved. Second, in order to facilitate a swift response (thereby increasing Canada's ability to influence the course of the Council's response) there must be short, tight decision-making lines within the Canadian policy-making apparatus. Third, Canada must be able to gauge the mood of the international community, in order to promote a politically viable approach to the problem at hand. Finally, Canada is most likely to prove effective when it is viewed as a credible actor with regard to the issue under consideration.

Ingrid Hall (D.G. South and Southeast Asia Bureau) then provided an account of the events surrounding the India-Pakistan case. Ms. Hall noted that Canada developed the tactic of taking aid money intended for India and holding it out to Pakistan as a positive incentive to refrain from conducting nuclear tests. However, she expressed frustration at Canada's inability

to get the G-8 to agree on a coherent position, and noted that under such circumstances it may be necessary to act on a bilateral or unilateral basis.

Various participants noted that, ironically, the Security Council is ill-equipped to craft a multilateral programme of positive incentives in order to forestall an incipient threat to the peace, such as that posed by India and Pakistan. The general sense was that the case was ill-suited to a sanctions-based approach for several reasons: the gravity of the challenge which India's test posed to Pakistan, the weakness of the Pakistani government relative to its military, the degree of nationalist fervour on both sides, the absence of internal opposition to testing in either state, the fact that the issue at stake was a core matter of national security, and the political cleavages which made it impossible for the international community to present a united front.

The final session of the seminar was opened by **Rod Bell** (D.G. International Organizations Bureau, DFAIT). From the preceding discussions, Mr. Bell derived two sets of proposals for sanctions reform which Canada might pursue during a term on the Security Council. The first was a set of general goals, including: developing a framework of humanitarian principles governing the use of sanctions, improving the administrative capacity of sanctions committees, codifying the procedures for the implementation of sanctions, developing a more effective apparatus for gathering and disseminating information regarding target states, improving the implementation of targeted sanctions, encouraging the use of other diplomatic tactics in ways that would complement sanctions, and forming a "sanctions forum" in which states would gather to discuss these and other initiatives aimed at promoting the appropriate use of sanctions.

The second group of proposals centered on the humanitarian aspects of sanctions. They included proposals to create a generic list of humanitarian exemptions to trade embargoes, to improve the process for assessing the humanitarian impact of sanctions, and to enhance the UN's capacity to monitor the humanitarian situation in target states and to ensure that humanitarian supplies reach their intended targets.

The floor was then opened for a general, concluding discussion. **Patrick Martin** (Globe and Mail) drew attention to the central role of public opinion in determining the sanctions policies of sending states. He argued that we must concentrate on educating the public about the impact of sanctions, and presenting them with viable alternatives. Only in this way can we hope to satisfy the political imperative to "do something" in a manner that is compatible with the imperatives of effectiveness and humanitarianism. Mr. Martin advocated efforts to bring targetted sanctions to the attention of the public. **Richard Garfield** argued that the dissemination of information regarding the effects of sanctions - and about violations of sanctions - is a key precondition of intelligent discourse in both civil society and in policy circles.

Taking another perspective on the impact of domestic politics, **Douglas Forsythe** noted that as a member of the Security Council, Canada might have to pay a political price should it become necessary to support sanctions which are costly to various domestic constituencies. He also stressed the difficulty of implementing sanctions at the domestic level, noting that it took eight weeks for Canada to fully implement sanctions against Serbia. This process would be expedited, he said, if the Security Council would take care to draft sanctions resolutions which are more explicit in identifying the measures which they demand of member states.

Peter Chapman (Canadian Friends Service Committee) spoke against the punitive use of sanctions, and emphasized the importance of dealing with two sanctions-related problems: the difficulty of knowing when and how to remove sanctions, and the tendency of sanctions to isolate the target in ways that are harmful to civilians and to the process of dialogue between the target and the rest of the world. **Rod Bell** agreed with the latter point, but observed that isolation is often an intended effect of sanctions.

Prof. Doxey stressed the need to determine what other non-permanent members of the Council think about sanctions reform, and to move forward with a reformist agenda that has wide support not just in principle, but also in terms of political will. **Prof. Nelson Michaud** (Laval University) echoed this sentiment, and suggested that the sanctions forum proposed in the Burciul paper represented a promising means to this end.

David Malone also supported the idea of a sanctions forum, noting that such an initiative dovetails nicely with Canada's stated intent to increase the transparency and consultative character of the Council. More generally, Mr. Malone expressed optimism regarding Canada's ability to influence the future of UN sanctions. He also expressed a preference for reform proposals which would have an enduring effect on the "systematic" process of considering, drafting, implementing, and monitoring UNSC sanctions. Mr. Malone argued that Canada should insist that the UN Secretariat do a more effective job of preassessing the effects of sanctions, and of monitoring their ongoing effects.

Toward this end, **Rob Hubert** suggested that it would be valuable to compile a yearly report detailing the political, economic, and social impacts of ongoing and recently completed

sanctions regimes. However, he questioned the idea that the UN Secretariat is the appropriate body to undertake impact assessments (particularly preassessments), given its politicized nature.

Nigel Fisher expressed optimism about Canada's capacity to act as a catalyst in setting humanitarian principles for the use of sanctions, and in encouraging the rationalization of implementation procedures. However, he argued that the process of sanctions reform should be moved beyond the Security Council, and that it should take advantage of international civil society.

Richard Garfield and **David Malone** emphasized the "strategic advantage" which Canada possesses as a force for sanctions reform, an advantage conferred by virtue of our perceived moral authority. Mr. Malone also observed that Canada can advance the cause of effective and humane sanctions not just by proposing reformist initiatives, but by remaining true to its own carefully developed principles from case to case.

Patrick Wittmann noted that the participants generally agreed about the desirability of making sanctions more humane, but he asked whether there was a similar sense that Canada should take the lead in making sanctions a "well-oiled machine." **Nigel Fisher** picked up this theme, drawing attention to the "double jeopardy" associated with trying to make a basically bad instrument of statecraft into somewhat more humane.

David Malone ended the roundtable by thanking the participants, and urging them to disseminate the substantive message of reform that had emerged from the meeting.

Department of Foreign Affairs and International Trade

Report on the Seminar on United Nations Security Council Sanctions

Held at DFAIT headquarters, Ottawa, 17 July, 1998

Rapporteur: Barry Burciul

Introduction

This paper summarizes the findings and recommendations of the seminar on United Nations Security Council sanctions, held in Ottawa on 17 July, 1998. The paper begins by outlining the observations of seminar participants about the underlying logic and effectiveness of UNSC sanctions. It also presents major critiques of the current practice of UNSC sanctions, and describes key trends which will bear upon efforts to address these faults.

The next section outlines the participants' vision of a Canadian approach to UNSC sanctions. This is followed by a series of general principles intended to guide Canadian policymakers as they consider the imposition of sanctions on a case-by-case basis. These principles address three issues: when to support the use of sanctions, what sort of sanctions (if any) to promote, and how to ensure that Canada's voice is heard on the Council.

The final section of the paper enumerates the key proposals for reform which emerged from the roundtable. These fall into four categories: reforming the administration of UNSC sanctions, addressing the humanitarian impact of sanctions, building international support for reform, and building support for reform within civil society.

1. UNSC sanctions in perspective: (il)logic and (in)effectiveness

Participants agreed that the past practice of UNSC sanctions can best be described as "amateurish" in that it has been determined by fundamentally politicized debate (largely among P-5 members) and by a desire on the part of states to "do something," rather than through a rational process which seeks an effective, politically viable, and humane strategy for dealing with threats to the peace. Furthermore, rather than being designed to bring about reform in the target

state, sanctions have often been applied in a vindictive manner, intended to inflict the maximum amount of pain on the target without regard to the likely effectiveness and humanitarian implications of such a strategy.

The discussion also emphasized the key role played by public opinion in motivating states to "do something" in response to perceived atrocities abroad. In the sense that sanctions satisfy the demands of domestic audiences, they can be viewed in an important sense as "successful" regardless of their impact on target states. The prevailing "pain equals gain" mentality, combined with the force of public opinion, means that it is sometimes difficult to persuade states to adopt a more nuanced approach when imposing sanctions, or to dissuade them from using sanctions when other, less dramatic strategies might be more constructive.

The rationality of sanctions policy is also impaired by the Council's failure to tailor its actions to the type of regime which it is attempting to influence (e.g., sanctions which prove influential when employed against a fragile democracy may prove ineffective against a strong dictatorship.) This irrationality is compounded by political cleavages among Council members, which make it difficult to form a consensus around strong measures, or to arrive at a concerted strategy which employs sanctions as part of a broader diplomatic démarche.

Participants also observed several recent trends in the Council's attitude toward sanctions, trends which are germane to the issue of sanctions reform. First, even as instances of sanctions proliferate - as do the issues to which they are applied - there is an increasing sense of pessimism regarding their effectiveness. In addition, there is growing interest (at least at the rhetorical level) in making sanctions more humane. Accordingly, states have begun to view

comprehensive economic sanctions with increasing distaste, while they have expressed enthusiasm for targetted sanctions.

In general, participants agreed that UNSC sanctions are highly problematic instruments of statecraft, and that they are unlikely to prove effective (in the sense of bringing about desirable policy change) very often. However, it was agreed that UNSC sanctions will nonetheless continue to be used frequently, and that they represent valuable means of bolstering international norms and deterring other (i.e, non-target) states from pursuing objectionable policies. Therefore, it is important that Canada use its influence in an effort to steer the discourse and practice of sanctions in more constructive directions.

2. Toward a Canadian approach to UNSC sanctions

Participants agreed that Canada's UN sanctions policy should give priority to three tasks: discouraging the use of sanctions wherever more constructive and humane alternatives exist, ensuring that the needs of innocent civilians in target states are given due consideration in the design and implementation of sanctions, and developing the capacity of the international community to design and administer strong, targetted sanctions where appropriate.

Participants also emphasized the idea that the most severe sanctions do not necessarily produce proportionate policy dividends. This lesson must be reinforced in the minds of Security Council members. Sanctions policy must be guided by the desire to identify measures that are both effective and humane, rather than those which seem intuitively 'strong' and politically palatable.

3. Considering sanctions: a case-by-case approach

Participants identified three 'baskets' of issues which Canadian policymakers must address when faced with decisions pertaining to UNSC sanctions: a) whether to support the use of sanctions, b) what sort of sanctions (if any) to promote, and c) how to ensure that Canada's voice is heard during Council debates concerning sanctions.

a) Whether or not to impose sanctions

The decision of whether or not to impose sanctions is a complex one, and will be influenced by a variety of factors pertaining to the character of the potential target, the objectives sought, and, crucially, the policies of other states.[1] Participants agreed, however, that this decision should be based on projections of effectiveness and humanitarian impact, and not on domestic political pressure.

Participants expressed enthusiasm for policies involving positive incentives (carrots) as complements or alternatives to sanctions, but they were pessimistic about the willingness of states to contribute to such initiatives, and wary of the implications of 'rewarding' objectionable behaviour. It was also noted that the constitution of the Security Council makes it ill-suited to the development of programmes of positive incentives and other initiatives aimed at pre-empting crises.

There was widespread agreement that the effectiveness of sanctions is often enhanced by an accompanying threat of force, as long as that threat is viewed as credible. Some participants

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[1] For a discussion of these factors, see Barry Burciul, "United Nations Sanctions: Policy Options for Canada," (DFAIT, 1998.)

suggested that, given the ineffectiveness and humanitarian consequences of long-term economic sanctions, the use of force is sometimes preferable to such measures.

b) Type of sanctions used

Participants stressed that senders must closely examine the structure of the target state, its economy, and its society, and design measures with a clear understanding of *who* they are intended to influence, and *how* the sanctions will cause these actors to feel pressure to change their policies.

It was also noted that travel bans, visa denials, and sporting and cultural sanctions have tremendous symbolic importance and psychological impact, and have been undervalued as means of influencing target elites.

Finally, participants supported the use of appropriate targetted sanctions against elites in most circumstances. However, they cautioned that targetted sanctions alone are unlikely to prove effective as coercive measures: they can often be evaded, and in most cases, are not painful enough to cause entrenched target elites to alter their behaviour. Targetted sanctions are most effective when combined with other measures, such as the threat of force.

c) Canada and the Security Council

In order to maximize Canada's influence over a given sanctions debate, participants agreed that four conditions must be met. First, Canada requires timely political and military intelligence and high-level connections to relevant parties. Second, in order to facilitate a swift

response (thereby increasing Canada's ability to influence the course of the Council's actions) there must be short, tight decision-making lines within the Canadian policy-making apparatus. Third, Canada must be able to gauge the mood of the international community, in order to promote a politically viable approach to the problem at hand. Finally, Canada is most likely to prove effective when it is viewed as a credible actor with regard to the issue under consideration.

4. An agenda for reform

a)Proposals for administrative reform

• Participants stressed that proposals for institutional reform are likely to meet with a lukewarm reception from UN members who are weary of such initiatives and loath to commit the funding required to make them work. The P-5, in particular, are unlikely to support initiatives which would impose codified limits on their influence over sanctions policy. Therefore, Canada should concentrate on process-oriented reforms which do not threaten the autonomy of the P-5.

• The Council should be reminded that its sanctions resolutions, while necessarily political in nature, must nevertheless be amenable to rapid and consistent implementation by member states. These resolutions must clearly specify the conditions for lifting, easing, and reimposing sanctions, as well as indicating who is responsible for carrying out various administration and enforcement duties.

• The UN must promote efforts to harmonize and rationalize national-level legal and administrative procedures for the implementation of sanctions. As a first step in this process, the UN secretariat must insist on detailed reports from member states regarding their existing sanctions procedures.

• Enforcement efforts would be greatly assisted by the presence of sanctions assistance missions (SAMs) in states adjacent to the target, and a sanctions communications centre (SAMCOMM) coordinating the overall effort. However, these missions require states to commit large amounts of material and human resources.

• When charging a regional organization with the task of implementing mandatory UN sanctions, the Council must ensure that the organization in question possesses the political will, the material resources, and the administrative competence to do so effectively.

b) Addressing the humanitarian impact of sanctions

• Council members must recognize that most forms of sanctions will cause humanitarian suffering, and that this suffering is very unlikely to be fully ameliorated by international relief efforts. Talk of the "unintended consequences" of sanctions is therefore somewhat disingenuous.

• In its deliberations concerning sanctions, the Security Council should give consideration to assessments of the likely humanitarian consequences of various strategies. Studies undertaken by OCHA (formerly UN-DHA) must be supplemented by more holistic, long-term analyses by

economists, political scientists, and area experts. The main problem plaguing the practice of assessment is not a lack of information; it is a lack of the political will required to set the process in motion. Canada should use its seat on the Security Council to ensure that the Council receives such assessments as a matter of course, both prior to and during the imposition of sanctions.

• Canada should support discussions aimed at developing the idea of 'humanitarian limits' which would guide the Council in its deliberations regarding sanctions. Such an exercise would move beyond existing, general statements of intent by seeking consensus answers to questions such as: When does a humanitarian emergency exist? How should sanctions be modified to reflect the changing situation on the ground? Under a sanctions regime, who bears the responsibility for ameliorating the suffering of innocent civilians?

• Security Council resolutions must outline clear guidelines governing humanitarian exemptions to sanctions. The exemptions process would also benefit from the creation of a generic, item-based list of exemptions, the consistent application of these standards, transparent procedures involving open deliberations and the widespread dissemination of documents among the members of sanctions committees, decentralization of the authority to approve exemptions, and enhanced communication and coordination between the UN secretariat and member states.

c) Approaches to reform: the interstate level

• Participants enthusiastically supported the idea of a 'sanctions forum': a group of concerned states and non-state actors which would explore options for sanctions reform and work to build support for these reforms. Such an initiative, it was held, meshes well with Canada's stated intent to build a Council that is more accountable and sensitive to the views of non-permanent members.

• It was also agreed that Canada should determine how other non-permanent members of the Council view various proposals for sanctions reform.

• Participants expressed the view that there would be little room for substantive progress on some of the more institutional aspects of sanctions reform while the sanctions against Iraq are still in place. Nonetheless, they agreed that it would be fruitful to undertake discussions of reform while this controversial issue still occupies the global agenda. Furthermore, many of the initiatives presented above may be carried out by Canada on a case-by-case basis. It was agreed that Canada should lead by example, and by demonstrating consistency in its approach to sanctions across cases.

d) Approaches to reform: engaging civil society

• Bearing in mind the key role of public opinion in determining the sanctions policies of states, participants argued that sanctions reform will likely prove ineffective unless it seeks to reconstruct the manner in which domestic audiences view sanctions. Simply put, as long as the electorate views draconian economic sanctions as the only "real" means of exerting influence

over uncooperative states, their governments will be unlikely to pursue more nuanced, constructive sanctions policies. Similarly, the public is unlikely to call for sanctions reform unless it is well-informed concerning the ineffectiveness and the negative humanitarian consequences of sanctions as currently practiced. Therefore, much of the work of reforming UN sanctions must be carried out through a public education campaign. In implementing such a campaign, governments would do well to work with humanitarian organizations and other elements of global and domestic civil society.

• On a case-by-case basis, sanctions are more likely to work to the extent that they mobilize global public opinion against the target regime. Therefore, the task of educating the public about sanctions is not a "one-time" proposition. Governments must view the public as an important asset in the quest to alter the policies of states which threaten global peace and human security.